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Education and Quality
Technology, Innovation, and the
Environment

Subcommittee on Health, Hazardous
Materials

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Chair
Coalition for Autism
Research and Education



Congress of the United States

House of Representatives

MIKE DOYLE
14TH DISTRICT, PENNSYLVANIA

August 4, 2006

WASHINGTON OFFICE
401 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2135

DISTRICT OFFICES
225 ROSS STREET
5TH FLOOR
PITTSBURGH, PA 15219
(412) 261-5091

11 DUFF ROAD
PENN HILLS, PA 15235
(412) 241-6055

627 LYSLE BOULEVARD
MCKEESPORT, PA 15132
(412) 664-4049

Mr. Steven Williams
Chief Administrative Officer and Secretary
Postal Rate Commission
1333 H Street, NW
Suite 210
Washington, D.C. 20005-4707
Re: Docket A2006-1

POSTAL RATE COMMISSION
OFFICE OF THE CHIEF ADMIN. OFFICER
AUG 10 2006

Dear Mr. Williams:

I am writing on behalf of Mr. Malcolm Hardie and Observatory Hill, Inc. (Filing ID 51287), in reference to the closing of the Observatory Hill Finance Station. Citizen concern has been brought to the attention to my office, and enclosed with this correspondence you will find documentation for your review and response, including:

1. An article from the Pittsburgh Post Gazette regarding the closing of the finance station;
2. Letters of support from citizens and community leaders who have expressed concern with the closing of the Observatory Hill Finance Station;
3. A copy of the proposal to close the Observatory Hill Finance Station (posted July 11, 2005);
4. Correspondence from Richard Sekinger, Postmaster, Pittsburgh, regarding the public posting and invitation for customer comments;
5. Correspondence from Michael Cafaro, A/Postmaster, Pittsburgh, regarding the citizen's concerns for the closing of the Observatory Hill Finance Station;
6. A memo outlining the impact that closing this facility will have on the Observatory Hill community;
7. A petition signed by citizens of the Observatory Hill community displaying their dissatisfaction with the closing of the Observatory Hill Finance Station;
8. A copy of the motion to dismiss proceeding (submitted 7/26/06); and
9. A copy of the Petitioners Motion to dismiss proceeding that closes the Observatory Hill Finance Station (submitted August 1, 2006).

I thank you in advance for your attention to this community sensitive matter and look forward to a response from your office. If I may be of additional assistance or provide additional

WEB SITE:

<http://www.house.gov/doyle>

PRINTED ON RECYCLED PAPER

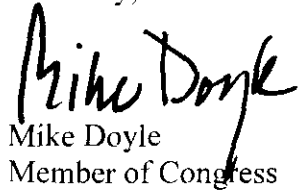
E-MAIL:

rep.doyle@mail.house.gov

Mr. Steven Williams
August 4, 2006
Page 2

documentation, please contact my District Director, Paul D'Alesandro, in my Pittsburgh office at (412) 261-5091.

Sincerely,

A handwritten signature in black ink that reads "Mike Doyle". The signature is written in a cursive, slightly slanted style. The "M" is large and loops around the "i". The "D" is also large and loops around the "o". The "y" is connected to the "l" and "e".

Mike Doyle
Member of Congress

MFD:sg

said.

Carolyn Hatcher, who wore a cardboard sign that read "Seniors need this post office," said that going online "may be easier, but it's good to get out. It's good for the morale. Sometimes, after going to the post office, I keep walking to Riverview Park." She shook her head and bit her lip. "I really hate this. I need this post office."

"Where are you going to get \$1,800 to buy a computer?" asked Michael McCarthy, who held a sign that read, "Post office Keep Open!"

"I have enough trouble with a 39-cent stamp," he said.

Observatory Hill Inc., a neighborhood preservation and advocacy group, recently filed an appeal to get the decision reversed with the Postal Rate Commission in Washington, D.C., said Malcolm Hardie, president of the group.

"This will provide a hardship for seniors and people who do not have an automobile," he said. Beyond that, he said, it hurts the community.

"People want the personal, the hometown feel, someone they can talk to.

"I guess people think their school, their post office, even their mother, are going to be there forever."

(Diana Nelson Jones can be reached at djones@post-gazette.com or 412-263-1626.)

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121 Richey Ave.
Pittsburgh, PA 15214
July 16, 2006

Malcolm Hardie, President
Observatory Hill, Inc.

Dear Mr. Hardie,

The Observatory Finance Station on Perrysville Avenue needs to reopen so that residents can make use of this important service again. This local postal station services residents of Summer Hill, Perry Hilltop, Observatory Hill and beyond. The need and financial profitability of the station has been established.

The Observatory Station needs to remain open for several reasons.

- ◇ Service to numerous senior residents who rely on public transportation
- ◇ No nearby postal stations available, with others over 4 miles distant
- ◇ Highly used by local businesses, churches/schools, organizations
- ◇ Profitable for many years; still profitable considering short hours
- ◇ Serves neighbors: foot traffic to banks, schools, commercial business nearby

Window service is very necessary and used by many families. In one recent eight week survey over 320 transactions took place each week, while the post office was open half time. The community is growing - with a new restaurant opening and plans to relocate WPXI/TV11 near the Observatory Station.

The proposed closing would seriously restrict service to:

- A large high school and several child care centers,
- Six churches and their congregations,
- Twenty community businesses in the immediate area and many beyond, including banks, pharmacies, cafes, educational and non-profit facilities.

Closing of this office would cut service to state funded/regional organizations, including a regional legislative and magistrate's office, and regional seminary.

We see the strong need for a local post office, as the branch has been servicing the community for over 50 years. The manner in which the hours were cut two years ago without proper public notification, and the recent closing procedure, without public announcement to the broader community is not respectful of the needs of nearby residents. Please help us appeal the closing of this postal station, an important community service in Observatory Hill and surrounding communities, so that local residents can take advantage of postal service where they live. Thank you for your assistance in this important matter.

Respectfully,


Richard Sestric


Jane Sestric

DON WALKO, MEMBER

311 IRVIS OFFICE BUILDING
HOUSE BOX 202020
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 787-5470
FAX: (717) 783-0407

NORTH SIDE OFFICE:

3880 PERRYVILLE AVENUE
PITTSBURGH, PENNSYLVANIA 15214
PHONE: (412) 321-5523
FAX: (412) 321-5517

LAWRENCEVILLE OFFICE:

204 37TH STREET
PITTSBURGH, PENNSYLVANIA 15201
PHONE: (412) 621-2818

E-MAIL ADDRESS:

DWALKO@pahouse.net



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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SERVICES CAUCUS

WEB SITE: www.pahouse.com/WALKO

July 7, 2006

Richard Sekinger, Postmaster
United States Postal Service
1001 California Avenue
Pittsburgh, PA 15290

RE: OBSERVATORY FINANCE STATION

Dear Mr. Sekinger,

While I understand that no appeal process applies to the closing of the Observatory Finance Station in Observatory Hill, I wanted to ask you to reconsider your decision. The closing of the station has caused a great deal of inconvenience for my district office, which is next door to the now vacant facility, and to many of the constituents we serve.

The Observatory Hill neighborhood has many challenges and great opportunities. The postal branch was an integral part of the Observatory Hill, Inc. neighborhood organization's community revitalization efforts. Its loss and the loss of pedestrian traffic that has ensued have hindered their efforts.

I would deeply appreciate your reconsideration of your decision to close the station. In the meantime, if I can be of service in any state-related matter don't hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Don Walko".

DON WALKO
State Representative

Cc: Malcolm Hardie, President
Observatory Hill, Inc.



LUKE RAVENSTAHL

President, Pittsburgh City Council



July 13, 2006

Malcolm Hardie
3442 Perrysville Avenue
Pittsburgh, PA 15214

Dear Malcolm:

I am writing to give my full support towards efforts to reopen the Observatory Hill Post Office.

The Observatory Hill Post Office is a valuable asset to communities of the Northside. It provides convenience and reliability that greatly benefits many residents of my district, including many seniors. This post office has been an extremely important part of the Observatory Hill Community, and it is my hope that the Postal Rate Commission will see this through our letters.

I urge you to continue to support residents in their efforts to keep the Observatory Hill Post Office open.

Please contact my office at 412-255-2135 if you should have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Ravenstahl".

Luke Ravenstahl
Pittsburgh City Council, Dist. 1



LUKE RAVENSTAHL

President, Pittsburgh City Council



September 22, 2005

Congressman
Michael Doyle
225 Ross Street: 5th Floor
Pittsburgh, PA 15219

Senator Rick Santorum
Landmarks Building
One Station Square
Pittsburgh, PA 15219

Senator Arlen Specter
425 Sixth Avenue
Pittsburgh, PA 15219

Dear Elected Official:

I am writing on behalf of the residents of Observatory Hill. A proposal to close the Observatory Hill Post Office has recently been submitted.

The Observatory Hill Post Office is a valuable asset to communities of the Northside. It provides convenience and reliability that greatly benefits many residents of my district, and it is my hope that they will be able to secure the necessary financial support to continue in their efforts.

I urge you to support residents in their efforts to keep the Observatory Hill Post Office open.

Please contact my office at 412-255-2135 if you should have any questions or concerns.

Sincerely,

Luke Ravenstahl
Pittsburgh City Council, Dist. 1

CC: Malcolm Hardie
Susan Rooney

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Draft

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Bulk (623)

[Empty]

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[Empty]

This message is not flagged. [[Flag Message](#) - [Mark as Unread](#)][Printable View](#)

Subject:

Date: Fri, 7 Jul 2006 13:58:19 -0400

From: "Blakey, Jacqueline" <jblakey1@pghboe.net> [Add to Address Book](#) [Add Mobile Alert](#)

To: "Malcolm Hardie" <mal2see@yahoo.com>

Dear Hardie,

This correspondence is in reference to the Observatory Hill Post Office, which is located on Perrysville Avenue directly across the street from Perry Traditional Academy. I wanted to briefly share with you as President of Observatory Hill Inc. the impact that the closing has had on the school. It goes without saying that as an educational facility serving over one thousand youngsters and one hundred forty staff members that the post office was an integral part of our day. There is a mail man who comes every morning to deliver and pick up mail, but the post office was able to provide us with so much more.

- Some of those services included purchases of stamps in small quantities for students or staff just needing to mail a letter, or hundreds of stamps or stamped envelopes for bulk mailings to student homes.
- At the end of every school day the secretary took letters to "our" post office so that they would reach the student homes quickly. The closing of the Observatory Hill Post Office now prevents this from happening.
- Life skills education is an important part of the training for some of our youngsters. These students learn how to use businesses in our community. In other words, these students are taught about the post office and the service it provides in the classroom. The next lesson would be for them to go to the post office and mail a letter, look up a zip code, or purchase stamps envelopes or what ever they may need for as part of that particular lesson. This valuable teaching tool has been taken away.

I wanted to make you aware of the impact that the loss of the Observatory Hill Post Office had on our school community and to express my displeasure with its closing. Please feel free to contact me if you have any questions.

Jackie Blakey-Tate, Principal
Perry Traditional Academy
3875 Perrysville Avenue
Pittsburgh, Pennsylvania 15214
412-323-3400

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Save Message Text | Full Headers

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July 7, 2006
The Medicine Shoppe
3900 Perrysville Avenue
Pittsburgh, PA 15214

To whom it may concern:

We at the Medicine Shoppe would like to inform you that the closing of the Observatory Hill Post Office has been a hardship not only to us, but our customers and the neighborhood.

The majority of our customers were not informed of the closing and are begging us for stamps and envelopes on a daily basis. Our neighborhood consists mostly of an elderly and low income population. They mostly depend on public transportation and would have to catch one or two buses in order to get to the nearest post office. Unless you were a regular daily visitor to Observatory P.O. people did not know about any talk of closing. It is not feasible for most elderly to order stamps and services on line as they don't use computers.

The Medicine Shoppe depended on the neighborhood post office because we mail approximately 125 packages a month. It was not only a cost savings but now we must have a delivery driver take them to another location. With the price of gasoline and taking employees away from their regular duties, this is not only money wasted but time as well.

Thank you for your time.

Sincerely,



Rose Karichko, RPH
And Staff

Parkvale Bank

3908 Perrysville Avenue Pittsburgh, PA 15214

(412) 231-3144

July 20, 2006

Observatory Hill, Inc.
Malcolm Hardie

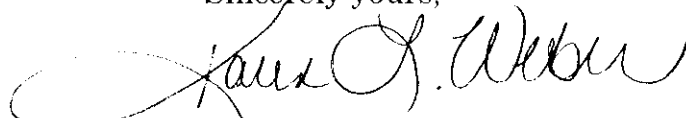
Dear Observatory Hill Board Members:

Observatory Hill is an area that is currently losing the things that make any neighborhood attractive to prospective homebuyers. Due to restructuring in the Pittsburgh Public Schools, we lost Chatham, our elementary school. Due to declining enrollment, we lost Incarnation, our other elementary school. A quick tour of our streets shows an increasing number of homes for sale. Losing the Post Office location will only contribute to the downward trend in this area.

The senior citizens that reside in Observatory Hill, who do not have access to transportation, rely on the Post Office because they can walk to it. The businesses in the area rely on the Post Office to send "certified" letters, or important correspondence that has to be sent "priority". The homeowners rely on the Post Office so they can have the convenience of staying in their own neighborhood to fulfill their postal needs. If we lose the Post Office, too, we are inviting those who have called this neighborhood their home to look elsewhere for another community that can provide them "one-stop shopping".

We feel it is important to keep the Post Office open, to keep this area growing, and to restore the feeling of a bright future for those who choose to call Observatory Hill their home.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Karen L. Weber". The signature is fluid and cursive, with a large loop at the beginning.

Karen L. Weber, Manager
Observatory Hill Branch

KLW

SCHORR BAKERY, INC.
3912 PERRYVILLE AVE.
PITTSBURGH, PA. 15214

July 14, 2006

To Whom It May Concern,

This letter is in support of re-opening of the Observatory Hill Post Office. My father started the business in 1973 and I have had the business for the past 12 years. The business was on a decline at one time, but it has come back in the past 8 years. I believe one of the reasons is because of the improvements in the neighborhood and a parking lot provided by the city.

We draw customers from the Northside, Brighton Height, North Hills, Shaler even as far as Cranberry Twp. We rely on the customers that we draw from other areas and the convenience of having a post office in the business district means alot to myself and our customers.

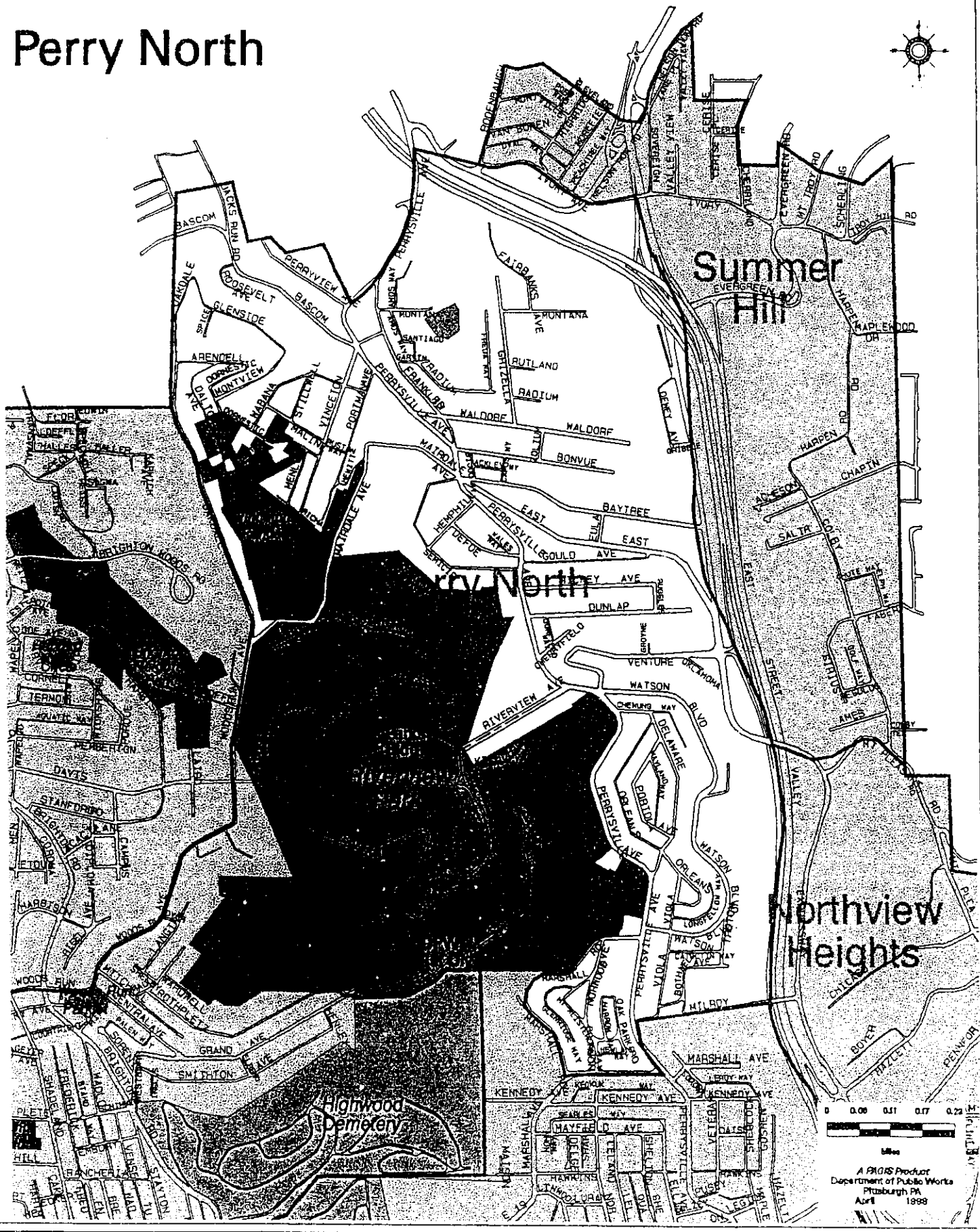
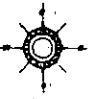
Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Schorr".

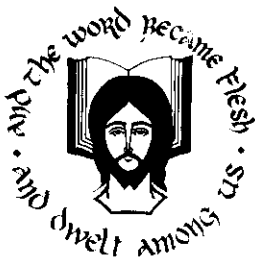
Jim Schorr
Owner

Perry North



0 0.06 0.12 0.17 0.23 Miles

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Pittsburgh, PA
April 1998



Incarnation of the Lord Catholic Parish

4071 Franklin Road
Pittsburgh, Pa. 15214-1616

COPY

412/931-2911
FAX: 412/931-2832

July 7, 2006

Mr. Malcolm Hardie, President
Observatory Hill Inc.
3442 Perrysville Avenue
Pittsburgh PA 15214

Dear Malcolm,

Your help and support would be greatly appreciated regarding the re-opening of the Observatory Hill Post Office on Perrysville Avenue.

This Post Office has served well the needs of many individuals as well as Business, Offices of Public Officials, Schools, Banks, Pharmacy, Funeral Home, and Churches in the area. The Post Office location is excellent and convenient for both residents of Observatory Hill, as well as, those of the surrounding community.

Several of our parishioners and a large number of senior citizens have expressed they have experienced both hardship and inconvenience with the closing of this Post Office, which has been a blessing to them for many, many years.

Hearing of the possibility of the re-opening of this Post Office has brought new hope and joy into the neighboring community once again! With your voice behind this endeavor, it is the hope of this community that our Post Office will once again become a reality!

Respectfully yours,

Sister Julie Makowski

Parish Secretary

Malcolm, the above is a copy of the letter send to :
Rep. Michael Doyle, Senator Rick Santorum, Arlen Specter % adam Pope,
Mr. Richard Sekinger, & Keith J. Beppler

PETERSON'S ASSISTED LIVING, INC.



Mr. Malcolm Hardie,
President, Observatory Hill Inc.,
3442 Perrysville Avenue,
Pittsburgh, Pa 15214

July 12, 2006

Dear Mr. Hardie:

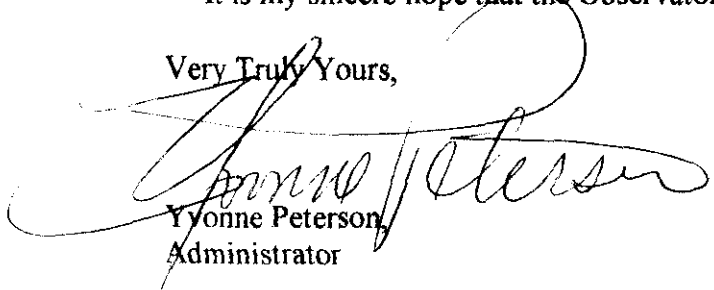
My name is Yvonne Peterson and my family has lived in the Observatory Hill Community for fifteen years. I was sadly disappointed with the decision to close our neighborhood post office. I have used the branch on countless occasions throughout the years because it was conveniently located near my home. The people that worked in our branch were always courteous, helpful, extremely knowledgeable and very professional.

Six years ago, my husband and I expanded our ties to the Observatory Hill area and opened a personal care home within walking distance of the post office. We currently take care of not only elderly, but also young and middle aged mentally disabled individuals. The post office was used by this facility on a frequent basis as many of our residents would send and receive countless letters and packages (especially during the holidays). It was a place where the people could walk to and purchase stamps, mail letters etc., and receive answers to routine, and many times, repetitive questions that would otherwise frustrate someone working (or customers standing in line) at a larger branch. The postal people at the Observatory Hill branch office were like family and went out of their way to service everyone (young, old or disabled).

Now that the Observatory Hill Post Office no longer exist, residents that previously would walk around the corner to take care of their postal needs will now have to rely on others to assist them. Some will not be able to get to the alternate locations because they are too far away and they will not be able to successfully navigate through the public transportation system. Additionally, as the owner of a newly established business which requires countless hours, the additional time that I now spend on trips to an alternate location to take care of my postal needs to run my home, business and now two children in college could have been avoided.

It is my sincere hope that the Observatory Hill Post Office will be reopened.

Very Truly Yours,


Yvonne Peterson
Administrator

Retail customers, generally, do not linger or even look at the bulletin board.

II. Effect on Community - - Re: your list of businesses and religious institutions in the community:

a. You state there are two religious institutions in the community. False. There are 5 or 6.

b. Businesses listing - some are valid, others not

1) Magistrates office – not a business

2) Allegheny Observatory – not a business

3) Dr. Adamchic – his dental office has been closed and he has been deceased for many years.

b. Parking problems – Yes, parking problems do exist at times.

III. Re: Economic Savings – Your estimate of annual savings of \$37,085.00.

The first two items are connected to the “clerk salary” and “fringe benefits.”

Is it not true that, if this facility is to be closed, that the clerk will be employed at some other facility? If so, there are no savings.

Your true savings are only from rental costs and utilities. Thus, your figure of annual savings seems to be invalid.

I trust this information will be taken into account. The community is planning a response to alter or cancel the proposed closing.

Yours,

**Dr. William Ferianc
28 Richey Ave.
Pittsburgh, PA 15214**

DATE OF POSTING:

7/11/05



DATE OF REMOVAL:

9/9/05



PROPOSAL TO CLOSE
THE OBSERVATORY FINANCE STATION
AND CONTINUE TO PROVIDE
CITY DELIVERY SERVICE

DOCKET NUMBER 15214

1. RESPONSIVENESS TO COMMUNITY POSTAL NEEDS

The Postal Service is proposing to close the Observatory Finance and provide city delivery service administered by the Woods Run Station, located three miles away. City delivery by carrier is available for all customers. Local business customer – Allegheny Observatory, will install mailbox to accommodate curb line delivery. Present carrier will include daily delivery in current line of travel. An average of an additional 2-3 minutes per day, 6 days a week will be an add-on to the route. No cost incurred due to decrease in daily volume.

Post office box and retail services are available at 3 stations located 3-4 miles away. Window hours at all other facilities are longer with one facility having 24 hour lobby with Automated Postal Center (APC). All have Saturday hours.

What Review?

wrong to
inconsistent with
facts.

A review of the business activities of the Observatory Finance revealed that the office workload has declined, and the office qualifies for service only four hours per day.

Accordingly, the service hours were changed effective July 15, 2002, to 10:00AM to 2:00PM, Monday through Friday. Our office review revealed an average of 65 daily retail window transactions. Workload at the Observatory Finance has remained on the decline, however, the small number of customers served and minimal number of daily transactions conducted indicates that city delivery will continue to provide a maximum degree of effective and regular service to the Observatory community.

The Observatory Finance office provides window and box service 20 hours a week from 10:00AM to 2:00PM, Monday through Friday, and from 10:00AM to 11:30AM, Saturday. Box service is provided to 27 customers. All customers can receive duplicate delivery. Retail services include the sale of stamps, stamped envelopes, and money orders; special services such as registered, certified, insured, delivery confirmation, signature confirmation, COD, and Express Mail; and the acceptance and dispatch of all classes of mail. Walk-in Revenue for the past three years is as follows: FY02 WIR was \$116,285.75; FY03 WIR was 74,661.27; and FY04 WIR \$56,644.05. Revenue units are unavailable due to the fact that the entire city of Pittsburgh station and branches all were under the same finance number. There are no permit mailers and no postage meter customers.

part-time:
Fulltime
Min: \$150,000.00
ANNUAL

When this proposal is implemented, delivery services will be provided by the Woods Run Station. Retail services will be available at the Allegheny Station, located 4 miles away. Window services hours are from 8:00AM to 5:00PM, Monday through Friday, and 8:00AM to 12:00PM, Saturday. Lobby hours are 6:00AM to 5:00PM, Monday through Friday, and 6:00AM to 3:00PM, Saturday. There are 423 Post Office boxes available. Box rental fees are \$24.00 (size 1), \$38.00 (size 2) and \$68.00 (size 3); these fees are less than Observatory Finance Station. Retail services are also available at the Kilbuck Station, located 3 miles away. Window services hours are from 7:00AM to 9:00PM, Monday through Friday, and 8:00AM to 2:00PM, Saturday. Lobby hours are 24 hours, Monday through Saturday. Box rental fees are \$29.00 (size 1), \$45.00 (size 2) and \$80.00 (size 3); these fees are the same as Observatory Finance Station. There are 104 Post Office boxes available. The Kilbuck Station has a 24 hour lobby available with an Automated Postal Center. These other facilities will provide expanded window service hours, ample post office boxes, increased parking spaces, and handicap accessibility.

On March 8, 2005, 27 questionnaires were distributed to all Observatory Finance postal box customers. Questionnaires were also available over the counter for retail customers. Sixteen questionnaires were returned. Twelve responses were unfavorable and four responses expressed no opinion regarding the proposal to close.

The proposal to close the Observatory Finance Station was posted with an invitation to public comment at the General Mail Facility. On May 5, 2005, representatives from the Postal Service were available at the General Mail Facility to answer questions and provide information to customers. Eight customers attended the meeting.

The following postal concerns were expressed at the community meeting:

Postal Concerns

1. Concern: Customer was concerned about vandalism to the Allegheny Observatory if a mailbox was installed due to close proximity to Riverview Park. The Observatory is also a Historical Landmark and concern is installation of a mailbox on building would not be appropriate.

Response: The Pittsburgh Postmaster personally drove up to review the area. It has been determined that Allegheny Observatory could benefit by curb line delivery. The carrier on that route can accommodate all delivery and when large parcels or accountables are involved, the carrier will take items into office for delivery. If no one is available to receive items, a notice will be left in the mailbox. Customer may pick items up at the Kilbuck Finance Office or request redelivery on another day. Customer's response to this was "all my needs will then be met with this arrangement".

2. Concern: Customers expressed concern over all alternative access channels that are available to the public would give more reason to close all post offices in the future.

Response: There will always be a need for the Postal Service to remain viable. Although this office has shown a decline in business, other post offices are extremely busy. By providing alternative access, the postal service is accommodating convenience and availability into the busy lives of today's population.

3. Concern: Customers expressed concern over need of PO Box for his business and what options are there.

Response: The manager of Kilbuck Station, which is located approximately 3 miles from Observatory Station, verified there are available PO Boxes for rent. Other benefits to the Kilbuck Station are that the lobby is open 24 hours, 7 days a week. The customers were very pleased to hear the additional availability to access their box mail and stated that since it is for their businesses, the hours would be more beneficial.

4. Concern: Customers inquired about the time-frame the review covered to start the consideration of possible discontinuance of the Observatory Finance Station.

Response: There is an 8 week review that is done to determine generated revenue and transactions.

5. Concern: Customers felt that when the hours were cut back in July 2002, the hours were inconvenient which resulted in loss of business. Maybe the hours could be

changed to promote more business, possibly be either later in the day, or split hours throughout the day.

Response: The hours were determined by a WOS survey and proved to be the most beneficial to customers. Box customers need the early hours for early pick-up of their mail. The hours must coincide with clerk bids and labor issues are to be considered.

6. Concern: Customers feel that local senior citizens in the area rely on simple stamp purchases and this will be an inconvenience.

Response: The Stamps by Mail program will be a convenience to all customers, including senior citizens. The Postal Service order forms are incorporated in self-addressed, postage paid envelopes. Customers can obtain order envelopes from letter carriers, in Post Office lobbies, or by calling the local delivery unit to request the form. By completing the ordering form along with a personal check, the order can be mailed or given to their carrier. The stamp order will be filled and delivered with the next day's mail. Another resource available is 1-800-STAMP-24. Customers may order stamps and make purchases with major credit cards. This toll-free number is available 24 hours a day, 7 days a week. There is a service charge, and stamps are delivered by mail within 3-5 business days. The customers were unaware of these services and were very interested in the opportunity for convenience.

7. Concern: Customers inquired as to the hours being changed to accommodate working customers.

Response: The hours were determined by a WOS survey and the current set hours were decided to be the most beneficial to majority of customers. Along with the results of the survey, there are labor issues and employee scheduling which is all part of determining the hours of operation.

8. Concern: Customer inquired to the facts that were included in the survey letter regarding the review that revealed an average of 65 daily retail window transactions. Is that a low number of transactions?

Response: That number is extremely low and is an indicator that office workload has declined. This reduced workload suggests that the maintenance of an independent office at Observatory Station may not be warranted.

9. Concern: Customer inquired to the fact that the Postal Service does not work to make a profit and feels that the office should not be closed due to lack of profit. Customer questioned the economic savings to the proposed closing.

Response: Economic savings are only one of several factors considered. The Postal Service's primary goal is to service customers. Carrier service is more cost-effective than maintaining a postal facility that is underutilized.

10. Concern: Customer felt if the hours were changed it would benefit local businesses, and inquired if the Postal Service would consider taking a customer survey regarding the need for better hours.

Response: The survey that is used is a survey run on our POS system. This survey shows when the transactions occur and the revenue generated which determines the decision on hours of service.

Customer
Had to Ask!!

11. Concern: Customer stated that the post office is a vital part of the community. They were wondering if they would be able to stop the closing, and what recourse they would have. Would it be worth their effort to get the neighborhood to rally?

Response: Right now we are at the fact finding phase of the process. There are steps that the Postal Service is mandated to follow. It is a long process and copies of the "Summary of Post Office Change Regulations" are available at this meeting. Also, a copy was included in the initial survey questionnaire that was provided to box customers and walk-in customers. The written proposal will be prominently posted at the Observatory Station for 60 days, along with an "Invitation for Comments". At the end of the 60-day comment period, additional review will be made at lower and upper levels of postal management. When a final decision is made at Postal Headquarters in Washington, DC, that decision will be posted for 30 days, during which time customers may appeal the decision to Headquarters. Within 120 days, Postal Headquarters will render a decision.

12. Concern: Customer felt that a survey should have been given to every household in the entire community.

Response: The basic need was to have customers of the Observatory Station respond to the survey. All box customers and walk-in customers had opportunity to submit the survey with personal comments.

13. Concern: Customer inquired as to exactly where is Postal Headquarters.

Response: Postal Headquarters is located in Washington, DC at L'Enfant Plaza. All concerns stated today are going to be part of the docket that we submit to Headquarters.

14. Concern: Customer inquired as to where the proposal is going to be located?

Response: The proposal will be at the Observatory Station and will be open to the public for 60 days.

15. Concern: Customer asked what the local businesses are doing for their mail. Their mail should be contributing to the Observatory Station for revenue.

Response: This response was from one of the attendees – The local business does their own mailing by postage meter, or they have bulk mail that they run over to the General Mail Facility. The local businesses do not generally use the Observatory for any daily business mailings.

16. Concern: Customer stated that if the Observatory Station does close, they will be in need of box services. Will there be an available box to rent at the Allegheny Station, and is there a guarantee of availability?

Response: The manager of Allegheny Station assured the customer that there are available boxes for rental. In addition to available box services, the hours are 6:00AM – 5:00PM, which provide additional convenience to the current hours of 10:00AM – 2:00PM.

17. Concern: Customers were concerned about change of address procedures.

Response: Mail will be forwarded in accordance with postal regulations and change of address forms are available from the Postal Service. First class mail and

"change service requested" mail will be forwarded. Change of address can also be done by accessing USPS.com.

18. Concern: Customer inquired about details of the Woods Run Station.

Response: Manager of the Woods Run Station provided details on delivery by the Woods Run Carrier Facility and on other finance offices including the Bellevue and Kilbuck Stations. Customers were also informed about the APC that is available in the Kilbuck Finance office. Customers were very interested in the services the APC can provide in the 24-hour lobby.

19. Concern: Customer inquired about the possibility of an APC being placed in Observatory Station.

Response: Placement of an APC in Observatory Station would not be feasible. There are only 14 APCs district wide. Placement of an APC requires usage of at least \$333 per day. Observatory does not generate enough revenue to justify that investment.

20. Concern: Customer inquired about what "RD" means.

Response: That is a term of addressing for rural deliveries. Since 9/11, addresses are being updated to be more specific to ensure easier location in the event of emergencies.

21. Concern: Customer inquired if the WOS surveys were going to continue and possibly have hours changed to split the day. Can more surveys be done?

Response: Due to labor issues, the hours cannot be split throughout the day. Surveys can be done at anytime. Window transactions do not warrant another survey at this time.

22. Concern: Customers expressed the wonderful neighborhood experience of walking down the street and stopping in to visit with the clerk. All employees have been very nice to just talk to while doing business. The prior one in particular always provided excellent service. It was unfortunate when this employee was held at gunpoint during a robbery at the post office. The customers feel this forced the employee into retirement.

Response: We appreciate your views on the excellent service you have all received. The Postal Service prides itself on maintaining our high level of customer service and delivery standards at affordable prices.

23. Concern: Customer was concerned with an incident that occurred while she was a box holder – there was a family emergency and she had to leave town unexpectedly, unable to submit a hold notice. If her mail is being delivered to her home, there would be an accumulation and then possible vandalism/robbery if people know she is not home.

Response: The Postal Service has options available for hold notifications – you can either access USPS.com or put in a hold notification, or you can call 1-800-ASK-USPS and submit a hold notice. Customers were unaware of the alternatives the Postal Service has available and were very pleased.

24. Concern: Customer requested that a door-to-door neighborhood survey be conducted.

POSTMASTER



October 3, 2005

Susan Rooney, President
Observatory Hill, Inc.
P.O. Box 7651
Pittsburgh, PA 15214-0651

Dear Ms. Rooney:

Thank you for the invitation to attend a community forum on the proposed closing of the Observatory Finance Station to be held on October 12.

Regrettably, the 60-day public posting of the proposal and invitation for customer comments has passed and we are in the review and decision stage of the proposal. The public posting was conducted from July 11, 2005 through September 9, 2005 at our Observatory, Allegheny and General Mail Facility (Kilbuck) Stations.

I have attached the Summary of Post Office Change Regulations that was made available to all who attended the community meeting on May 5, 2005 at the General Mail Facility. At the meeting, participants were made aware that their comments, along with those received during the 60-day public posting period would become part of the official proposal and would receive consideration by both local Postal management and Postal Headquarters when rendering a final decision.

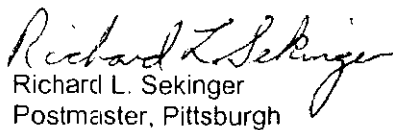
If Postal Headquarters finds that our local proposal is warranted, a Public Notice of Final Decision will be posted for 30 days, allowing the community the opportunity to appeal to the Postal Rate Commission. At that point, the Postal Rate Commission will render a final decision within 120 days.

If Postal Headquarters finds that the proposal is not warranted, the proposal will be denied and no further action will be taken to discontinue the Observatory Finance Station.

While I appreciate the invitation to participate in your community meeting, it would be inappropriate for me to attend since it is being conducted outside of the timeframes outlined above, which are required under Title 39, United States Code, Section 404(b).

I appreciate and respect the comments and concerns we have received from the community, and can assure you that careful consideration will be given to all issues raised. We remain committed to providing the Observatory community with excellent service. Please contact our Consumer Affairs Office at (412) 359-7845 if you need additional information.

Sincerely,


Richard L. Sekinger
Postmaster, Pittsburgh

Enclosure

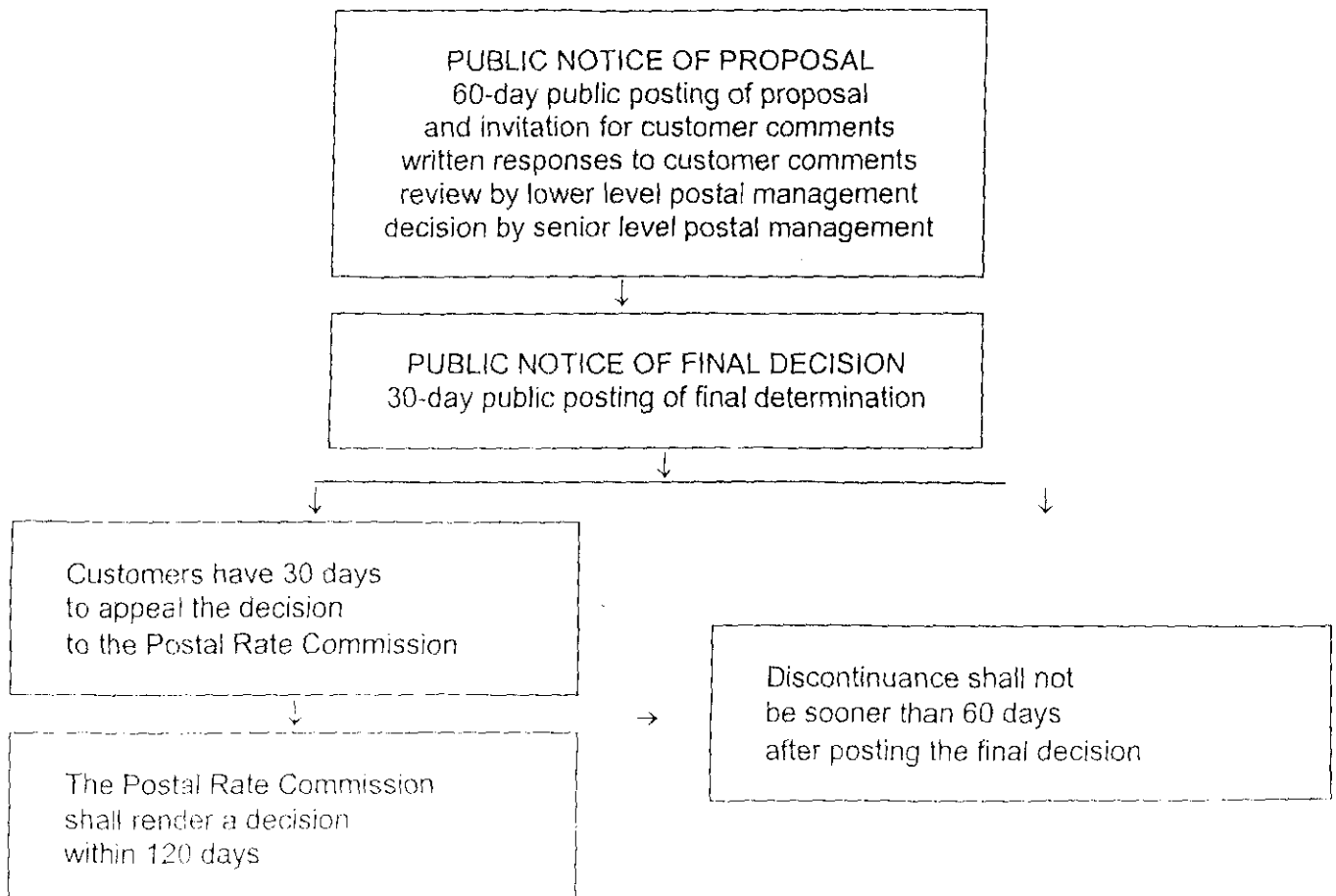
Cc: Keith J. Beppler, District Manager/Lead Executive

SUMMARY OF POST OFFICE CHANGE REGULATIONS

Certain regulations based on federal law apply when postal managers propose to replace a post office with an alternate form of postal service. These regulations are designed to ensure that the reasons for proposing such changes in postal service are fully disclosed at a stage when customers can make helpful contributions toward a final decision. The full text of the statutory regulations appears in Title 39, United States Code, Section 404(b), while the implementing regulations appear in Title 39, Code of Federal Regulations, Part 241.3.

An initial investigation and any subsequent formal proposal to discontinue a post office originate with postal field managers responsible for post offices in that area. The proposal must explain the services recommended as substitutes and the rationale that supports this recommendation. The written proposal is prominently posted for 60 days at affected post offices, along with an "Invitation for Comments," which formally invites customer comments. At the end of the 60-day comment period, additional review is made at lower and upper levels of postal management.

When a final decision is made at Postal Headquarters in Washington, DC, that decision is posted in affected post offices for 30 days, during which customers may appeal the decision to the Postal Rate Commission in Washington, DC. The Postal Rate Commission has 120 days to consider and decide an appeal. Even without an appeal, no post office may be closed sooner than 60 days after the public posting of the final decision.



POSTMASTER



July 14, 2006

Carolyn Hatcher
6 Waldorf Street
Pittsburgh, Pa 15214-1903

Dear Ms. Hatcher:

This is in response to your recent request for reconsideration of the discontinuance of retail service operations at the Observatory Finance Station of the Pittsburgh Post Office.

I acknowledge your concerns and appreciate the opportunity to clarify our position. Federal regulations are designed to ensure that the reasons for proposing changes in postal service are fully disclosed at a stage when customers can make helpful contributions toward a final decision. The full text of the statutory regulations appears in Title 39, United States Code, Section 404(b), while the implementing regulations appear in Title 39, Code of Federal Regulations, Part 241.3.

In accordance with these regulations, the proposal to close the Observatory Finance Station explained the services recommended as substitutes and the rationale that supported this recommendation. The community was invited to a meeting held at the General Mail Facility. The written proposal was prominently posted for 60 days at the Observatory Finance Station, along with an additional invitation for comments. After receiving feedback from the community during the timeframe outlined in the referenced regulations, an additional review was made. Comments from the community and our review were incorporated into the formal proposal to close the Observatory Finance Station, Docket Number 15214.


We greatly appreciated the comments received from the Observatory community and their participation at the community meeting. You may be assured that input from the community was given the serious consideration it deserved, both locally and at our headquarters level.

We are confident that we can continue to provide excellent service to customers at other retail facilities nearby, which include the Allegheny Station, West View Branch, General Mail Facility Finance Station and the McKnight Branch, all of which are within four miles of the former Observatory location.

Both the General Mail Facility Finance Station and the McKnight Branch are equipped with a 24-hour lobby and an Automated Postal Center (APC) that enable customers to conduct transactions 24 hours a day, seven days a week.

I regret that I could not provide you with a more favorable response. If you would like to further discuss our available services, please call Jeffrey Herrman, Customer Service Manager at the Allegheny Station. Mr. Herrman can be reached at (412) 231-1536.

Sincerely,


Michael Cafaro
A/Postmaster, Pittsburgh

Richard Sekinger: Postmaster, Pittsburgh.

The Observatory Finance Station closure will impact, affect and be a hardship for 2000 seniors and others who use the Observatory Hill Finance Station.

The location of the Observatory Hill Station provides a critical mass of people for revenues to far exceed past expectations. Postal revenues will increase by allowing the Observatory Finance Station to provide service to customers 10 am to 6pm Monday to Friday and Saturday 9am to 12pm. Box holders can access their boxes 7am Monday to Friday up to 6pm and Saturday 7am until 2pm.

The areas seniors, families and those who do not have transportation to travel 3 to 4 miles away will partner with the post office. These patrons will generate foot traffic because their concerns are considered and acted upon. Seniors **walk** in this area because of Riverview Park. Why should we force seniors to wait, to ask, to depend upon their children to drive them to a post office 3 to 4 miles away? What about those seniors who do not have a family? The post office sits on a prime piece of real estate. It is the most convenient post office in the area sitting on top of a mountain called Observatory Hill.

This post office already serves Summer Hill, Brighton Heights, and parts of Perry Hill Top. There are four to five senior centers in the area. The Reformed Presbyterian Women's Center, Steel Workers Building, Brighton Senior Center, and The Senior Center on the corner of Burgess and Perrysville. There are 6 churches. Perry Traditional Academy High School is directly across the street and 125 teachers utilize the post office. The local pharmacy: The Medicine shop ships 121 prescription drug packages to seniors outside the area each month. It is located 95 feet away. The 20th Legislative District Office is on the left and Magistrates office is on its right of the post office. These offices and their clients use the post office. Perrysville Avenue is a state highway. The **volume** of automobiles passing the post office and connecting the main corridor is just 65 feet from the post office. The Observatory Hill Finance Station is a diamond in the rough. The postal **location** is ripe for innovative, visionary postal service that integrates its Observatory customer base attracting others and incorporates best strategies to increase revenues and provide outstanding postal service to customers.

Please allow people to continue to have pride and dignity in their ability to have their post office as part of their daily routine. A few minor alterations will signal a new day, thrill the community and increase business further. Allow the Observatory Hill Finance station to remain a vital community anchor that receives the attention it needs to provide excellent postal service to its customers and increase profits.

Observatory Finance Station is a viable **community asset**. It's a contributing reason people come to Observatory Hill in many ways. It's a respected and trusted business providing a much-needed service to all patrons. It's a **convenient** place to do your United States Postal business. **Senior citizens** need and want the post office open. Closure hurts 2000 seniors. It's a place easily accessible for single-family members. The post office is a viable asset for business owners at home or in the area to patronize. Please: keep post office open/ partner with the community. **Malcolm Hardie:** Resident/President O.H.I

P E T I T I O N

①

To Keep Observatory Hill Post Office Open!

Residents of Observatory Hill and surrounding communities want and expect the Observatory Hill Post Office to remain OPEN. We expect there not to be any service disruptions for and reason what-so-ever.

Residents of Observatory Hill and surrounding communities are UNITED and believe that the post office location is excellent and convenient and the **POSTAL REVENUES WILL INCREASE** by having: extended hours, copier, and mail box access 24/7, an open sign on the window, parking for all patrons clearly enforced with signage that violators will receive a ticket and be towed. The office must have interior lighting at night to promote rental of mailboxes and reinforce the fact that a post office does exist instead of having the exterior completely dark at night.

Residents want the United States Postal emblem proudly displayed above the building's front door to emphasize, and showcase the fact that this is a United States Post Office, open and ready for use now. The hours of operations must be clearly visible by citizens walking or driving by. This Post Office is one community **ASSET** the citizens of Observatory Hill and surrounding communities **WANT OPEN!**

Our signatures represent our vote, and our approval to keep the Observatory Hill Post Office OPEN!

	NAME	ADDRESS	AGE	SIGNATURE
④	Melody Snyder	3027 Mt Alister Rd		M. Snyder
✓	William McNamara	^{house} 3031 Mt Alister Rd	91	Wm McNamara
✓	Jane P. Minner	211 WATSON BLVD PL 6N PA 15214	68	Jane P. Minner
✓	Rose Borus	111 BONVILLE ST. Pgh. PA. 15214		Rose Borus
✓	Sabrina Zepke	11 DeFoe St. " " 15214	24	Sabrina Zepke
	Michael J. McCarthy	4025 STILLWELL ST 15214	80	Michael J. McCarthy
✓	Janet L. Hall	165 Northview St, 15214		Janet L. Hall
✓	Carolyn Casavere	3500 Sures St		Carolyn Casavere
✓	Rita Babash	3625 Colby St		Rita M. Babash
✓	M. J. KUBIAK	3354 DELAWARE ST	53	M. J. K. Brn.
✓	Carolyn Hatch	#6 Waldoof St 15214		Carolyn R. Hatch
✓	David J. Hurler	3614 Colby St	33	David J. Hurler
✓	Nicole Butler	3722 Baytree St	35	Nicole Butler
✓	Wendy Lane	#8 Dunlap St		Wendy Lane
✓	Tom Thomas	#8 Dunlap St		Tom Thomas
	Malcolm Thudis	3442 Perrysville Avenue	48	Malcolm Thudis
	Kya Humphries	243 Watson Blvd. #2	37	Kya M. Humphries

P E T I T I O N

(2)

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NAME	ADDRESS	AGE	SIGNATURE
ABOLYN RICHARDSON	4040 CARDALE ST	71	Abolyn Richardson
Madeline Rhesseler	3871 Inglewood Rd	72	Madeline Rhesseler
DONALD J. TOMASIL	2205 ROCKLEDGE ST. PGH PA	70	Donald J. Tomasil
MARGARET REINHART	97 Renfer ST	78	Margaret Reinhart
Edwin Reinhart	98 Renfer ST	83	Edwin Reinhart
MARGARET TOMASIC	2205 ROCKLEDGE ST	69	Margaret Tomasic
Truman M. Wesley	2121 Ransom Ave	88	Truman M. Wesley
Michael York	516 McClelland Ave		Michael York
Lynette Smith	1213 Sandusky St.		Lynette Smith
J. POLYANNA / KENNEDY	5544 S. Westmoreland	74	J. Polyanna Kennedy
Rich Ann Long	301 Camelot	74	Rich Ann Long
Robert Anselmi	251 Camelot	76	Robert Anselmi
Richard Reischer	233 SEABRIGHT ST	87	Richard Reischer
Ellen Klaprowski	1020 Roughton Place		Ellen Klaprowski
Janet Steele	936 Gella Ave Rpt 14	42	Janet Steele
Jeremy O'Dell	4635 Natzell Place	34	Jeremy O'Dell
Patricia Thompson	2220 Perryville	54	Patricia Thompson
Lorraine D. Toph	2225 Federal ST. Ept	56	Lorraine D. Toph

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NAME	ADDRESS	AGE	SIGNATURE
Grover Walden	403 Grove St McKees Rocks PA	38	Grover Walden
Damon Clay	1222 Boyle St	43	Damon Clay
MONTY SCOTT	3076 MARSHALL RD	48	Monty Scott
Carla Biaggi	3104 NORWOOD AVE Pgh PA	45	Carla Biaggi
Richard Fischer	3038 Marshall Rd. Pgh PA	56	Richard Fischer
Lori Kertis	3030 Norwood Ave Pgh. PA	37	Lori Kertis
JAMES KERTIS	3030 Norwood Ave	38	James Kertis
Henry Zang	314 Norwood Ave	55	Henry Zang
James Rooney	3032 Norwood Ave	61	James P. Rooney
Susan Seiden	3050 Marshall Road	18	Susan Seiden
Lisa Cammarata	3030 Marshall Road	20	L. Cammarata
Mary Angela Byg	119 Kirk Ave	56	Mary Angela Byg
Mimi Mlodoch	3 Glenview Rd 15237	63	Mimi Mlodoch
JULIA VIDIC	317 RICHEY AVE 15214	33	Julia Vidic
Mike Cramer	6306 Stanton Ave, 15206	58	Mike Cramer
Howard R. Biedoff	2933 Oak Park Rd 15214	53	Howard Biedoff
Mary Russo	2927 Oak Park Rd 15214	45	Mary Russo
Maura Weithorn	3005 Oak Park Rd Pgh PA	18	Maura Weithorn

P E T I T I O N

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RON V. BABER	3623 COLBY ST Pgh. PA. 15214	92	Ronald V. Baber
JEAN FUELLER	3640 COLBY ST. Pgh 15214	59	Jean Fueller
EVAN FUELLER	3640 COLBY ST Pgh 15214	60	Evan Fueller
DON BENKO	3642 COLBY ST. PGH 15214	47	Donald Benko
Jackie Benko	3642 Colby St Pgh PA 15214	45	Jackie Benko
Gloria Benny	3660 Colby St 15214		Gloria Benny
Kim Benny	3660 Colby St 15214		Kim Benny
SUSAN JOYCE	3705 COLBY ST. 15214		Susan Joyce
DOUG JOYCE	3705 COLBY ST 15214		Douglas Joyce
ALICE JOYCE	3611 Colby St. 15214	72	Alice Joyce
Janice Patrick	3611 Colby ST 15214	41	Janice Patrick
Michael Fontana	3701 Colby St 15214		Michael Fontana
ERIC NOEL	3655 Colby ST 15214	35	Eric Noel
Cynthia Noel	3655 Colby ST 15214	42	Cynthia Noel
Angela Caracciolo	3654 Colby St 15214	25	Angela Caracciolo
Victoria E. Bryant	3648 Colby St 15214		Victoria E. Bryant
Flossie Pickson	3636 Colby St	84	Flossie Pickson
PAT FREISMAN	321 CHATEL WALK	77	Pat Freisman
Deanna T. Pugh	3128 Marshall St	41	Deanna T. Pugh

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P E T I T I O N

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NAME	ADDRESS	AGE	SIGNATURE
DAN DUFFY	3627 ALLENDALE CIR	57	Dan Duffy
CHUCK ADKINS	1812 MORRELL ST	40	Chuck Adkins
KRISTEN JONES	110 PROSPECT ST. 15202	38	Kristen Jones
TERRY GIFE	2344 ATMORE ST	40	Terry Gife
JO ANNE GIFE	2344 ATMORE SE	34	JoAnne Gife
JOSH GLICK	3321 PORTOLA AVE	22	Josh Glick
JESSO EYLE	101 9TH STREET Pgh PA	24	Jesso Eyle
MATT DONLIP	1851 CHELLIS ST 15202	22	Matt Donlip
ELLIOTT FLICK	3321 PORTOLA AVE Pgh, PA 15214	23	Elliott M. Flick
MIKE MCINTOSH	619 CLIFF AVE Pittsburgh 15207	27	Mike McIntosh
JEFF GUERTON	637 PARK AVE. Pgh PA 15202	34	Jeff Guerton
RICHARD GULAY	132 TERRACE AVE Apt A	34	Richard Gulay
SUE YAMM	5846 ANDERSON ST.	21	Sue Yamm
RYAN WILLIAMS	15 South Lucid Ave. P. H. Borough, PA, 15207		Ryan Williams
BOB DEIBEL	603 N. BALPH		Bob Deibel
CHAD KNIGHT	3238 CALIFORNIA AVE ^{NORTH}		Chad Knight
RACHEL FRY	210 PLUMER AVE	28	Rachel S. Fry
ANDREA MABELIC	113 NEWTON SQUARE	27	Andrea Mabelic

P E T I T I O N

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NAME	ADDRESS	AGE	SIGNATURE
Rose Jones	300 Dunlap St - 15214	43	Rose Jones
Lisa Derbis	300 Holly Hill Dr Pgh PA 15217	41	Lisa Derbis
Barbara Werell	442 Bascom Ave. Pgh. 15214	68	Barbara Werell
Ron Westerman	316 Preston Ave Pgh 15214	67	Ron Westerman
Sally Westerman	316 Preston Ave Pgh 15214	62	Sally Westerman
Edna M Callister	808 West View Park Dr. 15229	78	Edna M Callister
Dave Harding	3418 Delaware St Pgh. PA 15214	59	Dave R. Harding
Sherry Lester	1714 West Baltimore St, Pgh 15106 3505 Pennsylvania Ave Pgh 15214	36	Sherry Lester
Edith Heidrich	241 Ridgewood Ave Pgh 15229	58	Edith Heidrich
Rev. Harry Heidrich	"	59	Harry Heidrich
HARRY EMANN	530 SUNNYLAND AVE PITTSBURGH, PENNA. 15227	69	Harry E Mann
LINDA B. HABERSTICH SECRETARY OF RIVERVIEW UNITED PRESBYTERIAN CHURCH	3005 PELAYSVILLE AVENUE	53	Linda B. Haberstich
Bonnie Bantz	111 Waldorf St Pgh., PA 15214	38	Bonnie Bantz
Raymond Bantz	111 Waldorf St Pgh PA 15214	41	Raymond Bantz
Virginia Bickert	14 Mountain St Pgh Pa 15214	45	Virginia Bickert
Joe Bickert	19 Mountain St Pgh Pa 15214	49	Joe Bickert
Ann Bickert	4333 Sullivan St Pgh Pa 15214		Ann Bickert
Charles Bickert	4333 Sullivan St Pgh Pa 15214		Charles Bickert

Residents of Observatory Hill and surrounding communities want and expect the Observatory Hill Post Office to remain OPEN. We expect there not to be any service disruptions for any reason what-so-ever.

Residents of Observatory Hill and surrounding communities are **UNITED** and believe that the post office location is excellent and convenient and the **POSTAL REVENUES WILL INCREASE** by having: extended hours, copier, and mail box access 24/7, an open sign on the window, parking for all patrons clearly enforced with signage that violators will receive a ticket and be towed. The office must have interior lighting at night to promote rental of mailboxes and reinforce the fact that a post office does exist instead of having the exterior completely dark at night.

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NAME	ADDRESS	AGE	SIGNATURE
Denise Colbert	3440 Perrysville Ave	54	Denise Colbert
Justin Colbert	3440 Perrysville Ave	20	JUSTIN COLBERT
Bernard Colbert	3440 PERRYVILLE AVE	53	Bernard C. G. b
Robin Goodrey	3432 PERRYVILLE AVE	48	Robin Goodrey
Amy Patterson	3432 Perryville Ave	37	[Signature]
JADARI MATHEWS	3770 Perryville AVE	28	JADARI MATH
Dustin Haynes	3770 Perryville Ave	16	Dustin Haynes
DAVE GILBREATH	3344 PERRYVILLE AVE	47	D. R. Gilbreath
Katina Lee	1110 Ingham St	39	Katrina Lee
THERESA L WELTON	111 JOHNSON RD	51	Theresa Welton
[Signature]	3332 Perryville Ave.	33	[Signature]
Sara Taylor	3332 " "	34	Sara Taylor
Gabby Tomlin	" "	7	
Donald Friel	3280 ORLEANS ST	30	Donal Friel
Bethany Friel	" "	27	Bethany Friel
Michele Mazze	841 Kirkbride St	40	Michele Mazze
ED SOKIMACEK	3246 Orleans St	47	[Signature]
Nick Chase	3246 Orleans St	39	Nick Chase

P E T I T I O N

⑦

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NAME	ADDRESS	AGE	SIGNATURE
Karen Murphy	3325 ORLEANS ST	48	Karen Murphy
Al Hannon	3325 ORLEANS ST	57	Al Hannon
Yvonne Suroba	3326 ORLEANS ST.	43	Yvonne Suroba
Barbara Sams	3132 ORLEANS ST Pgh 15214	58	Barbara Sams
Lena Curci	3228 Orleans St. Pgh 15214	55	Lena Curci
Don Suroba	3226 Orleans St Pgh PA 15214	42	Don Suroba
Ray E. Dew	3208 Orleans St Pgh. PA 15214	51	Ray E. Dew
Maryann Fennell	3208 ORLEANS ST Pgh. PA 15214	49	Maryann Fennell
Lisel Votter	3200 Orleans St Pittsburgh	38	Lisel Votter
John T. H.	3200 Orleans St. Pittsburgh	39	John T. H.
Don McCarty	3208 Pennysville Ave	48	Don McCarty
Kate R. Baker	3208 Pennysville Ave Pgh	46	Kate R. Baker
Hilda Baker	3208 Pennysville Ave Pgh	50	Hilda Baker
Shawn L. Leiby	16 WATSON BLVD	41	Shawn L. Leiby
Thomas J. Leiby	16 WATSON	70	Thomas J. Leiby
Art Lee	3101 Vada St Pgh, PA 15217	33	Art Lee
Mr ALLEN SNEAD	1550 Lee St Pgh PA 15212	32	Mr Allen Snead
DAMIAN A. HANNON	1343 OAKHILL St.	31	Damian A. Hannon
Melanie H.	127 GUMWOOD BL 15233		Melanie H.

P E T I T I O N

10

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NAME	ADDRESS	AGE	SIGNATURE
Jessica Wainwright	3945 Perryville Ave	26	Jessica Wainwright
JENNIFER Bryant	3943 Perryville Ave	34	Jennifer Bryant
MELISSA LAMME	3949 Perryville Ave	22	Melissa Lamme
Robert H. H. H.	2209 Fed. Ext.		Robert H. H. H.
John Wagner	2325 Perryville	54	John Wagner
Todd Parnell	2525 Perryville Ave		Todd Parnell
MR. S. L. L.	2505 Perryville		
LYNN F. F.	2503 Perryville	11	Lynn F. F.
Joseph Walker	1962 Perryville	59	Joseph Walker
Robert H. H.	618 Chest. Ave	74	Robert H. H.
W. W. W.	1121 Chest. Ave	53	W. W. W.
Jacky Jones	2951 N. Charles St	15	Jacky Jones
Frank Jones	2957 N. Charles St		Frank Jones
John Jones	2074 N. Charles St	42	John Jones
Jimmy Jones	526 N. Charles St	52	Jimmy Jones
Robert Jones	2951 N. Charles St	2	Robert Jones
Ebony Bennett	2525 Perryville	21	Ebony Bennett
John Jones	2951 N. Charles St	31	John Jones

P E T I T I O N

④

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NAME	ADDRESS	AGE	SIGNATURE
Patrick Saunders	624 W. AVE., #26, Pgh., PA 15202	43	Patrick Saunders
Yvonne Miller	1228 HODG KISS ST Pgh PA 15202	50	Yvonne Miller
JAMES F. LEWIS	323 TAYLOR Pgh PA 15202		JAMES F. LEWIS
Andrea Carter	143 Kendall Ave		Andrea Carter
James F. Lewis	35 S. Harrison Ave. Pgh. PA 15202	59	James F. Lewis
Kristina Gausler	4113 Evergreen Rd.	20	Kristina Gausler
GERARD Lococo	3421 BRIGHTON Rd Pgh 15212	52	Gerard Lococo
Tom Dominicus	701 Pine St Ambbridge		Tom Dominicus
Sherry Pederson	744 Orchard Ave Pgh PA 15202	33	Sherry Pederson
Chris Williams	843 Winchester dr	20	Chris Williams
Rita Carlson	519 Dawson Ave. Pgh. PA 15202	36	Rita Carlson
John Peters	836 Ohio River blvd.	26	John Peters
Martina DiBattista	34 N. Starr Ave	18	Martina DiBattista
Victoria Green	600 Carolyn Ave Bellevue 15202	23	Victoria Green
Lori Johnston	63 HAWLEY AVE BELLEVUE 15202	41	Lori Johnston
Mary M. O'Brien	63 Hawley Ave Bellevue PA 15202	42	Mary M. O'Brien
Jessica Hain	407 Dawson Ave Pgh. PA 15202	24	Jessica Hain
Andy Ruback	606 CAROLYN AVE BELLEVUE PA 15202	30	Andy Ruback
JOHNNY HART	507 Lincoln Ave	35	JOHNNY HART

P E T I T I O N

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NAME	ADDRESS	AGE	SIGNATURE
Nichole Johnson	3871 PERRYVILLE AVE.	44	Nichole Johnson
Leslie Howell	" " "	46	x Leslie Howell
Maggie Oberst	130 Marshall Ave.	45	Maggie Oberst
Edna Haack	1635 SOPHIA ST 15212	69	Edna Haack
Karle Ellis	2022 Osgood St 15214	69	Karle Ellis
William Keller	748 Magna. St.	45	Dorothy Keller
Peter Washington	321 Denton St		Peter Washington
Philip Bohr	128 Dandap St 15214	61	Philip Bohr
John Boh	11 Helms Dr 15229	82	John Boh
Teddy "	" " "	77	Teddy Peter
Margaret Smith	4039 Perryville Ave	77	Margaret Smith
James W. Burk	76 MAZER Ave. 15214	62	James W. Burk
George Yeager	3454 Perryville Ave 15212		George Yeager
Mrs. John Volante	3056 Boyette Rd Pk 15214	53	Mrs. John Volante
Alfred Bauman	123 East Kennel Ave	49	Alfred Bauman
Patricia Murphy	4126 1/2 Franklin Rd	58	Patricia Murphy
R Murphy	4126 1/2 FRANKLIN RD	64	R Murphy
VIRGINIA L. BUCHMANN	3506 Verber Ave 15212	69	Virginia Buchman

P E T I T I O N

(18)

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NAME	ADDRESS	AGE	SIGNATURE
Kristie Tanski	135 Bascom Avenue	35	Kristie Tanski
Daniel Lehany	135 Bascom Avenue	38	Daniel Lehany
William Smith	139 Bascom Ave	52	William Smith
Janet Ely	57 Bascom Ave	49	Janet Ely
FORN STARRA	" " " "	60	Forn Starra
DANA REPASS	" " " "	30	Dana Repass
Kenneth Kropf	27 Bascom Ave.	43	Kenneth Kropf
Frank Daley	23 Bascom AVE	43	Frank Daley
Brenda Schuck	21 Bascom Ave	37	Brenda Schuck
Pete Hogan	15 Bascom Ave	21	Pete Hogan
ROSEMARIE HOGAN	15 BASCOM AVE	60	Rosemarie Hogan
Joseph Hazard	11 BASCOM AVE	35	Joe Hazard
Julie Hazard	11 Bascom Ave	34	Julie Hazard
Mary A. White	1844 Winhurst St	64	Mary A White
Bill WHITE	" " "	64	Bill White
Jeff Arndt	36 Bascom Ave	40	Jeff Arndt
ROHMA KROPF	40 BASCOM ST	77	Rohma Kropf
JOE KROPF	40 BASCOM AVE	80	Joe Kropf

Richard Sekinger: Postmaster, Pittsburgh.

The Observatory Finance Station closure will impact, affect and be a hardship for 2000 seniors and others who use the Observatory Hill Finance Station.

The location of the Observatory Hill Station provides a critical mass of people for revenues to far exceed past expectations. Postal revenues will increase by allowing the Observatory Finance Station to provide service to customers 10 am to 6pm Monday to Friday and Saturday 9am to 12pm. Box holders can access their boxes 7am Monday to Friday up to 6pm and Saturday 7am until 2pm.

The areas seniors, families and those who do not have transportation to travel 3 to 4 miles away will partner with the post office. These patrons will generate foot traffic because their concerns are considered and acted upon. Seniors **walk** in this area because of Riverview Park. Why should we force seniors to wait, to ask, to depend upon their children to drive them to a post office 3 to 4 miles away? What about those seniors who do not have a family? The post office sits on a prime piece of real estate. It is the most convenient post office in the area sitting on top of a mountain called Observatory Hill.

This post office already serves Summer Hill, Brighton Heights, and parts of Perry Hill Top. There are three to four senior centers in the area. The Reformed Presbyterian Women's Center, Steel Workers Building, Brighton Senior Center, and The Senior Center on the corner of Burgess and Perrysville. There are 6 churches. Perry Traditional Academy High School is directly across the street and 125 teachers utilize the post office. The local pharmacy: The Medicine shop ships 121 prescription drug packages to seniors outside the area each month. It is located 95 feet away. The 20th Legislative District Office is on the left and Magistrates office is on its right of the post office. These offices and their clients use the post office. Perrysville Avenue is a state highway. The **volume** of automobiles passing the post office and connecting the main corridor is just 65 feet from the post office. The Observatory Hill Finance Station is a diamond in the rough. The postal **location** is ripe for innovative, visionary postal service that integrates its Observatory customer base attracting others and incorporates best strategies to increase revenues and provide outstanding postal service to customers.

Please allow people to continue to have pride and dignity in their ability to have their post office as part of their daily routine. A few minor alterations will signal a new day, thrill the community and increase business further. Allow the Observatory Hill Finance station to remain a vital community anchor that receives the attention it needs to provide excellent postal service to its customers and increase profits.

Observatory Finance Station is a viable **community asset**. It's a contributing reason people come to Observatory Hill in many ways. It's a respected and trusted business providing a much-needed service to all patrons. It's a **convenient** place to do your United States Postal business. **Senior citizens** need and want the post office open. Closure hurts 2000 seniors. It's a place easily accessible for single-family members. The post office is a viable asset for business owners at home or in the area to patronize. Please: keep post office open/ partner with the community. **Malcolm Hardie:** Resident/President O.H.I

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NAME	ADDRESS	AGE	SIGNATURE
Meredith Cochran	#415, 2415212 St 601 Presley	63	M Cochran
Chris Barth	4676 Wilburke Ave Pg 15236	45	Chris Barth
Robert Carlson	105 Fairdale Ct 15237	senior	Robert Carlson
Mary Helen	105 Fairdale Ct 15237	-	Mary Helen Carlson
James P Kane	4513 Orchardview Dr 15201	67	James P Kane
Norma R Arthur	453 Dunbar Dr 15227	83	NR Arthur
Jason B. Grant	3721 Parkview Ave. Pg 15213	34	Jason B. Grant
JAMES TOWARD	803 OHIO RIVER BLVD Rm 15202	55	James Toward
Dean Victoria	422 maline St pgh 15214	19	Dean Victoria
Lester CLARK	3374 Perrysville Ave Pg 15214	44	Lester B. Clark
Bill Elder	300 DUNLAP STREET PG 15214	senior	Bill Elder
Carol Mann	2020 Buckner Ave PG 15214	69	Carol Mann
Barbara Facher	537 Mt Pleasant Pa 15214	senior	Barbara
Raymond Facher	537 Mt Pleasant Pa 15214	74	Raymond Facher
Barbara Hane	601 Presley St. Pgh, 15212	58	Barbara
Stennis Hane	601 Presley St. Pgh 15212	60	Stennis
11/11th Steele	321 MILAN ST PG 15214	43	mark Steele
William Saline	25 River View Ave 15214	13	William

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

In the Matter of:)
Observatory Finance Station) Docket No. A2006-1
Pittsburgh, PA 15214-0651)
(Observatory Hill Inc., Petitioner))

UNITED STATES POSTAL SERVICE
MOTION TO DISMISS PROCEEDING

On June 21, 2006, Petitioner filed with the Postal Rate Commission (Commission) a "Petition for Review", with supporting documents, contesting the closing of the Observatory Finance Station (Petition). The Commission responded by issuing Order No. 1469, *Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)*. That Order specified July 6, 2006, as the date on which the Postal Service was to file with the Commission the administrative record underlying the claimed decision to close the Observatory Finance Station ("Observatory Station"). On July 6, 2006, the Postal Service filed a notice stating that because Observatory Station is not an independent post office managed by a postmaster, but rather a classified station of the Pittsburgh Main Post Office, the Postal Service did not create an administrative record compliant with the regulations for closing post offices, 39 C.F.R. § 241.3. The notice also stated that the Postal Service would be filing a motion to dismiss proceedings on July 21, 2006, based on the Commission's lack of jurisdiction to consider closing or consolidation of subordinate facilities under the management control of an independent post office. That self-imposed deadline proved impossible to meet because of the concurrent need for counsel to address the flood of discovery filed in Docket No. R2006-1 at the close of the initial discovery period regarding the Postal Service's case-in-chief.

The Postal Service respectfully submits that the Petition does not fall within the Commission's jurisdiction under 39 U.S.C. § 404(b)(5). Observatory Station was a Classified Postal Station, not a Post Office. *Postal Bulletin* 22185 (July 20, 2006).¹ As shown in the *Postal Bulletin*, Observatory Station was a Classified Station under the management of the Pittsburgh Post Office. The services formally provided by Observatory Station are now being provided by Kilbuck Finance Station,² another Classified Station under the management of the Pittsburgh Post Office. Kilbuck Finance Station is open more hours, offers 24-hour lobby service with an Automated Postal Center, and is located approximately three miles away from Observatory Station. Additionally, there are two other postal facilities located approximately three miles from Observatory Station, which are also open more hours.

Though Observatory Station was a Classified Station, it seems that local postal officials incorrectly attempted to apply formal Post Office discontinuance procedures.³ Though this was a mistake on the Postal Service's part, it allowed the customers of Observatory Station far more opportunity to express their concerns regarding the station's closing -- and to have the Postal Service respond to those concerns -- than would ordinarily occur. The most significant drawback of misapplying the procedures was that customers were told that a right of appeal

¹ See Attachment 1. The Attachment identifies the Observatory Finance Unit as a Classified Station within the larger Pittsburgh Post Office that serves the entire Pittsburgh community.

² Kilbuck Finance Station is also known as the "General Mail Facility".

³ Misapplication of the discontinuance procedures meant that some of the documents typically created during a discontinuance study did get used. As noticed by the Postal Service to the Commission on the date set for the filing of an administrative record in Docket No. A2006-1, however, no administrative record that complies with the mandates of 39 CFR § 241.3 was created. This is confirmed by the statements in the Petition indicating that no final determination was posted -- by that time field officials had become aware that the discontinuance procedures were not applicable to Observatory Station. Some of the discussion that follows relies -- for illustrative purposes only -- on some of those documents. The jurisdictional facts pertinent to this proceeding are established by Attachment 1 of which the Commission is entitled to take judicial notice.

existed, although it was often characterized as a right of appeal to Postal Service headquarters rather than the Commission.

Before finalizing a closure of Observatory Station, the Postal Service actively sought input from Observatory's customers regarding the possible change in service. A questionnaire was distributed to in early March, 2005, to each and every one of Observatory Station's box customers, and copies were available at the retail counter for Observatory Station's walk-in customers. A public community meeting was held on May 5, 2005 to discuss the closure. Finally, the Postal Service publicly posted the proposal for closure, and invited customer comments, from July 11, 2005, through September 9, 2005. As a general matter, the Postal Service responded to customers' expressions of concern elicited by the questionnaires, and customers expressed appreciation for the responses. Examples included establishment of new carrier delivery procedures for the observatory itself, the extended hours of operation and 24-hour access to Post Office boxes at Kilbuck Station, and newfound awareness of Stamps By Mail and by telephone.

The Postal Service respectfully submits that the Petition does not fall within the Commission's jurisdiction under 39 U.S.C. § 404(b)(5), for Observatory Station was a Classified Station, not a Post Office. The services provided formerly provided by Observatory Station are now being provided by nearby facilities, which can offer Observatory Station's former customers more hours than they received before, and through alternate channels for access to postal services including consignees, telephone and mail (for stamps) plus the myriad of services available through the USPS.com website. Accordingly, this proceeding should be dismissed.⁴

⁴ It has been the Commission's consistent practice to send a form letter in response to an attempt to appeal the closing of a station or branch, advising the petitioner of the Commission's lack of

SUMMARY OF THE POSTAL SERVICE POSITION

Under 39 U.S.C. § 404(a)(3), the Postal Service has the authority to "determine the need for post offices, postal . . . facilities and equipment," and under 404(b) must observe certain procedures before "making a determination . . . as to the necessity for the closing or consolidation of any post office" The Postal Service view, which has remained consistent since section 404(b) was enacted, is that the procedures mandated by 404(b) apply only to the closing or consolidation of an independent post office, which is a facility occupied and immediately supervised by a postmaster, and not the closing or consolidation of a station, branch, contract unit, or other subordinate facility under the administrative supervision of a post office. This conclusion is based upon the following:

Congress knowingly used the term "post office" in section 404(b) in its precise sense just as it has consistently used the term in that sense for more than a century; the floor debates show that Congress sought to address a problem shared by rural postal customers by aiming only at independent post offices; it considered and rejected both narrower and broader scopes for what became 404(b); and the conference report on the reconciliation of the House and Senate versions confirms Congress' specific intent to limit the application of 404(b) to independent post offices.

Federal court decisions apply 404(b) only to independent post offices headed by a postmaster and not to facilities such as stations, branches, community post offices, or other contract postal units under the administrative control of an independent post office.

jurisdiction in such matters. The Commission evidently did not follow that procedure in this docket.

ARGUMENT

I. CONGRESS KNOWINGLY USED THE TERM "POST OFFICE" IN SECTION 404(b) IN ITS PRECISE SENSE.

A. Congress Has Consistently Used The Term Precisely For More Than A Century.

In enacting legislation, Congress has for more than a century distinguished between independent post offices and their subordinate retail facilities, such as stations, branches and contractor-operated units. Moreover, Congress has consistently used the precise definition of the term "post office" up to and including its enactment of section 404(b). The longest standing example of its precise use consists of the statutory mandates and restrictions regarding the establishment of stations, branches, and contract units.⁵ Moreover, Title 39 as it existed at the time of the enactment of the Postal Reorganization Act maintained the unique status of "post offices" under federal law. For example, in distinction to the authorizations regarding

⁵ See Act of March 3, 1847, ch. 63, § 10, 9 Stat. 201 (authorizing the Postmaster General to "establish one or more branch post offices, to facilitate the operation of the post-office . . ."); Act of April 16, 1862, ch. 56, § 1, 12 Stat. 379-380 (authorizing the Postmaster General to establish branch post offices); Act of March 3, 1863, ch. 71, § 13, 12 Stat. 703-704 (authorizing the Postmaster General to establish branch post-offices); Act of June 8, 1872, ch. 335, §§ 61, 98, 17 Stat. 296 (authorizing the Postmaster General to establish "post-offices" and "branch-offices"); Act of June 9, 1896, ch. 386, 29 Stat. 313 (restricting establishment of "station[s], substation[s], or branch post-office[s]"); Act of August 24, 1912, ch. 389, 37 Stat. 544 (appropriating funds for the compensation of "clerks in charge of contract stations . . ."); Act of May 18, 1916, ch. 126, § 15, 39 Stat. 163 (authorizing the Postmaster General to enter into contracts for the conduct of "contract stations"); Act of October 28, 1919, ch. 86, 41 Stat. 323 (authorizing the Postmaster General to establish "branch offices, nonaccounting offices, or stations" in the Islands of Hawaii, Puerto Rico, and the Virgin Islands); Act of March 10, 1952, Pub. L. No. 277, ch. 98, § 1, 66 Stat. 23 (authorizing the Postmaster General to establish "postal stations or branch post offices" at camps, posts, or stations of the Armed Forces); Act of April 7, 1958, Pub. L. No. 85-368, 72 Stat. 81 (authorizing the Postmaster General to "enter into contracts for the conduct of contract stations . . ."); Act of September 2, 1958, Pub. L. No. 85-893, § 1, 72 Stat. 1713 (permitting the establishment of postal stations and branch post offices within ten miles of the boundary of the adjoining city).

subordinate retail facilities identified in footnote 6. Congress delegated to the Postmaster General the authority to "establish" and "discontinue" "post offices." 39 U.S.C. § 701(a) (1964). Further, Congress recognized and elaborated upon the administrative significance of a post office by mandating that the Postmaster General "divide post offices into four classes on the basis of the revenue units of each office" 39 U.S.C. § 702(a) (1964). Congress, moreover, was well aware of the process of consolidating post offices before 404(b) was enacted, since it authorized the Postmaster General to "consolidate" post offices, 39 U.S.C. § 701(a)(3) (1964), and enacted a prohibition against the consolidation of post offices at county seats, 39 U.S.C. § 701(b) (1964).

Another example of the statutory distinction between "post offices" and their subordinate units in former Title 39 is 39 U.S.C. § 705 (1964), which authorized the establishment of subordinate retail outlets, such as "branch post offices," "stations, substations, or branches of a post office," and "contract stations." 39 U.S.C. § 705 (1964). This provision also forbade the Postmaster General from "discontinuing an established post office" "within twenty miles of the outer boundary or limits of a village, town, or city having 1,500 or more inhabitants and in which the principal office is located" 39 U.S.C. § 705(c) (1964).

Numerous other postal statutes not directly concerned with the establishment of postal facilities have also illustrated the distinction between a station or branch and a post office. For example, former 39 U.S.C. §§ 3524-3530 (1964), which set compensation levels for postmasters and other management employees, clearly show the administrative distinction between a post office, supervised by a postmaster, and its subordinate stations and branches, generally under the direction of a station superintendent. Finally, in extending the protection of criminal statutes to postal facilities and operations, Congress was careful to apply those statutes not only to post

offices, but to their subordinate service units. *See, e.g.*, 18 U.S.C. §§ 1703, 1708, 1709, 1712, and 1721.

Thus, at least since the mid-1800s, Congress has consistently recognized the distinction between "post offices" and their subordinate retail units. There is no indication that Congress ever abandoned the distinction. To the contrary, the floor debates, an analysis of the competing legislative proposals that ultimately resulted in 404(b), and the conference report all demonstrate that Congress quite deliberately aimed at independent post offices and not at retail facilities generally.

B. The Floor Debates Show That Congress Sought To Address A Problem Shared By Rural Postal Customers By Aiming Only At Independent Post Offices.

Congress' awareness of the distinction between "post offices" and other subordinate facilities is documented in floor debates prior to enactment of the legislation which became 404(b). The history of the present-day language in 404(b) can be traced to an amendment proposed by Senator Randolph to amend the Postal Reorganization Act Amendments of 1976, H.R. 8603, 94th Cong., 2d Sess. (1976) (enacted into law as Pub. L. No. 94-421, 94th Cong., 2nd Sess. (1976)). 122 Cong. Rec. 23,100 (August 23, 1976); 122 Cong. Rec. 28,565 (August 31, 1976). The Randolph Amendment provided for local participation in determinations to discontinue small rural post offices, or to consolidate them under the management of another post office.⁶

⁶ The version of the amendment originally passed by the Senate provided that a patron could appeal a decision to any U.S. Court of Appeals. The conference committee modified this language to permit patrons to appeal decisions to the Postal Rate Commission. See H.R. Rep. No. 94-1444, 94th Cong., 2d Sess. 17 (1976), *reprinted in* 1976 U.S.C.C.A.N. 2440; *see also* 122 Cong. Rec. 28,565 (August 31, 1976) (remarks of Senator Randolph).

In floor debates, Senator Randolph expressed his opposition to the "indiscriminate closing of our rural and small town **post offices**" as well as to the decision "to create **branches** out of many post offices close to large cities." 122 Cong. Rec. 6314 (March 11, 1976) (emphasis added). To curtail such actions, he offered legislation requiring the Postal Service to "substantiate any proposal to change or eliminate **independent post offices**." See 122 Cong. Rec. 6314 (March 11, 1976) (emphasis added). Thus, the amendment's sponsor was aware of the distinction between independent post offices and knowingly limited the proposed legislation to closings and consolidations of post offices.

Senator Hollings' comments, delivered shortly after the Senate's passage of the Randolph Amendment, also demonstrated the understanding that 404(b) was specifically targeted at post offices. In explaining his amendment to H.R. 8603, which would have incorporated Senator Randolph's post office closing provision, 122 Cong. Rec. 27,111 (August 23, 1976), Senator Hollings observed:

The Postal Service has recently decided to close small post offices in rural America. Mail service to rural areas is provided through 18,300 small **post offices**--formerly referred to as third- and fourth-class **post offices**; 2,100 contractor operated **facilities**; and 30,700 rural routes. About 4 million families are served by these **facilities**. Again, the Postal Service would close these **offices** in the name of saving dollars.

122 Cong. Rec. 27,116 (August 23, 1976) (emphasis added). Senator Hollings thus recognized that a variety of facilities served rural customers, and that of these, only "post offices" were targeted by the legislation.

C. Congress Considered And Rejected Both Narrower And Broader Scopes For What Became 404(b).

Competing legislative proposals introduced during the period in which 404(b) was debated and enacted show a continued sensitivity to the precise definition of "post office," thereby demonstrating Congress' intent to target independent post offices and not other facilities.⁷ Senator Scott, for example, targeted a subset of post offices by introducing legislation to require the Postal Service "to make certain considerations prior to the closing of third- and fourth-class post offices." 122 Cong. Rec. 3313 (February 17, 1976). In explaining the purpose of the legislation, Senator Scott feared the closing of a "large percentage of the 18,290 third- and fourth-class post offices in many small communities" *Id.*

Similarly, the Small Post Office Preservation Act introduced by Representative Kastenmeier illustrated congressional sensitivity to the precise use of the term "post office." *See* H.R. 13576, 94th Cong., 2d Sess. (1976) (discussed at 122 Cong. Rec. 13,168 (May 10, 1976)); *see also* H.R. 12801, 94th Cong., 2d Sess. (1976); 122 Cong. Rec. 8010-11, 8018 (March 25, 1976). As explained by Representative Dodd, the Small Post Office Preservation Act would have prohibited the Postal Service from effecting a post office closing unless:

- (1) it could convince a majority of the patrons that alternative service was acceptable; or
- (2) it would replace the post office with a contract facility--a community post office (CPO) . . . ; or
- (3) it met all of the following four criteria: (a) an equivalent or improved level of service would be provided; (b) less than 35 families are currently being served by the post office being evaluated; (c) another postal facility is easily accessible to persons regularly served by the present post office; and (d) a substantial decrease

⁷ Indeed, numerous bills were introduced aimed solely at closings of third- and fourth-class post offices, as defined under former section 702(a) of Title 39. *See, e.g.,* H.R. 12143, 94th Cong., 2d Sess. (1976); H.R. 12665, 94th Cong., 2d Sess. (1976); H.R. 12994, 94th Cong., 2d Sess. (1976); H.R. 13216, 94th Cong., 2d Sess. (1976); H.R. 14037, 94th Cong., 2d Sess. (1976).

in revenues and patronage has been realized over the past three year period in connection with the post office being evaluated.

See 122 Cong. Rec. 13168 (May 10, 1976).⁸

Hence, two legislative proposals made at the time Congress was debating how to provide greater protection for rural postal customers were narrower than what resulted in 404(b). A broader proposal was also made. Representative Abdnor proposed legislation which would have subjected all changes in "the nature of postal services provided by any post office facility" to a veto by customers of the facility. *See* H.R. 12864, 94th Cong., 2d Sess. (1976), 122 Cong. Rec. 8,726 (March 30, 1976).

Thus, faced with the perceived need to enact legislation protecting rural postal customers, Congress considered responses ranging from protection of a subset of post offices to protection of all postal facilities. In the end, it chose a middle ground in 404(b) by protecting only independent post offices.

D. The Conference Report On The Reconciliation Of The House And Senate Versions Confirms Congress' Specific Intent to Limit The Application Of 404(b) To Independent Post Offices.

The best evidence of Congress' intent appears in the conference report on H.R. 8603:

The conference substitute adopts the Senate provision except that the right of appeal to a United States court of appeals is deleted and instead there shall be a

⁸ Representative Dodd further acknowledged that "post office" does not include contractor operated facilities. In commenting on the Small Post Office Preservation Act, he observed:

Certainly, in communities where equal or improved service can be provided by closing the **post office** and establishing a **privately-operated contract facility, or extending rural delivery**, it is in the public interest to do so

122 Cong. Rec. 13,168 (May 10, 1976) (emphasis added).

right of appeal to the Postal Rate Commission. The managers intended that an appeal to the Commission under this new provision may be made only by a regular patron of a post office which has been ordered to be closed or consolidated. Also, **the managers intend that this provision apply to post offices only and not to other postal facilities.**

See H.R. Rep. No. 94-1444, 94th Cong., 2d Sess. 17 (1976), *reprinted in* 1976 U.S.C.C.A.N. 2440 (emphasis added). Thus, after considering and rejecting narrower legislation that would have been limited to third- and fourth-class post offices, and after acknowledging that rural postal customers are served by a variety of facilities--including branches, stations and contract units, Congress settled on a middle ground and made 404(b) applicable only to post offices, thereby continuing its consistent use of the precise definition of "post office."

Thus, with Congress' history of using the term "post office" in its exact sense to refer to independent post offices, legislation was introduced by Senator Randolph who indicated an intent to continue that historical use. Floor comments, the express statement of the conference committee, and a comparison with competing legislative proposals all confirm Congress' intent to use the term precisely.

II. FEDERAL COURT DECISIONS APPLY 404(b) ONLY TO INDEPENDENT POST OFFICES HEADED BY A POSTMASTER AND NOT TO FACILITIES SUCH AS STATIONS, BRANCHES, COMMUNITY POST OFFICES, OR OTHER CONTRACT POSTAL UNITS UNDER THE ADMINISTRATIVE CONTROL OF AN INDEPENDENT POST OFFICE.

Four federal court decisions have had occasion to address the scope of 404(b): Wilson v. United States Postal Service, 441 F. Supp. 803 (C.D. Cal. 1977); Knapp v. United States Postal Service, 449 F. Supp. 158 (E.D. Mich. 1978); Shepard Community Association v. United States

Postal Service, Civ. No. C2-82-425 (S.D. Ohio 1985) (October 7, 1985)⁹; and Citizens for the Hopkins Post Office v. United States Postal Service, 830 F. Supp. 296 (D.S.C. 1993). Each of these supports the Postal Service conclusion that 404(b) does not apply to the discontinuance of subordinate facilities.

In both Wilson and Knapp, it was alleged that the transfer of mail processing operations from several local post offices to other facilities constituted a "consolidation" of post offices covered by 404(b). Both courts analyzed these claims by looking to statements made by Senator Randolph at the time he introduced what became 404(b):

The type of "closing" and "consolidation" which induced Senator Randolph to introduce the bill that became § 404(b) is the same type of "closing" and "consolidation" addressed by § 101(b) and, evidently, is the same type of "closing" and "consolidation" to which § 404(b) should be construed to refer. "Closing" thus refers to the complete elimination of the post office. "Consolidation," while more difficult to describe, certainly has the characteristic of subordinating the day to day overall management of one office having a postmaster to the administrative personnel of another office.

Knapp, 449 F. Supp. at 162 (quoting Hearings on S. 2844 before the Senate Comm. on Post Office and Civil Service, Part 4, 94th Cong., 2d Sess. 142 (1976)); *see also* Wilson, 441 F. Supp. at 806 (quoting the same hearing language). Both the Wilson and the Knapp courts thus rejected the claims that the transfer of mail processing operations was subject to 404(b) notice and comment procedures since 404(b) applies only when a post office served by a postmaster is closed (completely eliminated) or consolidated (by subordinating the day to day management of a facility to administrative personnel in another independent post office). Wilson, 441 F. Supp. at 805-06; Knapp, 449 F. Supp. at 162.

⁹ A copy of this slip opinion was previously filed with the Commission as part of Docket No. A94-8, *In the Matter of Benedict*, MN 56436 (Irving E. Morrill, Petitioner).

The Wilson and Knapp decisions concluded that 404(b) had the effect Senator Randolph intended when he stated:

It is important that the independence and integrity of communities continue and that good mail service is maintained. To insure this, I introduced legislation, S.3082, on Thursday, March 4, to provide for an open and participatory review of Postal Service changes. Under this legislation the U.S. Postal Service must substantiate any proposal **to change or eliminate independent post offices.**

122 Cong. Rec. 6314 (1976) (emphasis added).

Hopkins is in accord with Wilson and Knapp in that the court rejected the contention that the transfer of mail processing operations, in this instance the casing of mail, is not a "consolidation" as that term is used in 404(b). In analyzing plaintiff's claim, the Hopkins court noted that since 404(b) fails to define "consolidation," "deference must be had to the agency's interpretation of the statute so long as it is reasonable and consistent with the purpose of the statute." Hopkins, 830 F. Supp. at 298 (citing Chevron USA, Inc. v. NRDC, 467 U.S. 837 (1984) and K-Mart Corp. v. Cartier, Inc., 486 U.S. 281 (1988)). The court then looked at the Postal Service definition of "consolidation" and concluded that it was "reasonable and in keeping with the intent of Congress in this statute." *Id.* at 299.

While the Wilson, Knapp, and Hopkins decisions may be distinguished on their facts, their legal conclusions regarding the scope of 404(b) are completely in accord with the Postal Service position: the procedures mandated by 404(b) apply only to discontinuation (closing or consolidation) of a post office, a facility under the direction of a postmaster, and not a station, branch, contract unit, or other subordinate facility under the administrative supervision of a post office.

The decision in Shepard Community Association v. United States Postal Service, Civ. No. C2-82-425 (S.D. Ohio 1985) involved a dispute over whether 404(b) covered the closing of

the Shepard Station of the Columbus, Ohio Post Office. Shepard, slip op. at 1-3, 12. The Shepard court reached the same conclusions as the other courts considering the scope of 404(b), but did so after a more thorough analysis including a closer examination of 1) the legislative history of 404(b), 2) the general policy of encouraging independent decision making embodied in the Postal Reorganization Act, and 3) Postal Service rulemaking that eliminates any vestige of ambiguity in 404(b).

The Shepard court looked to the legislative history of 404(b) and noted Senator Randolph's language distinguishing independent post offices from stations and branches. The Shepard court continued:

Perhaps the strongest indication that Congress intended to distinguish post offices from branches and substations is found in the House Conference Report from the conference committee for the legislation -- "The managers intend that this provision apply to post offices only and not to other postal facilities." H.R. Rep. 94-1444, 94th Cong., 2d Sess. 17, *reprinted in* 1976 U.S. Code Cong. and Ad. News, 2434, 2440.

Shepard, slip op. at 9. Thus, the Shepard court found strong indications in the legislative history of 404(b) that Congress had used the term "post office" precisely and meant to exclude other retail postal facilities such as stations, branches, and contract units.

The Shepard court considered the general policies underlying the Postal Reorganization Act, noting that 404(b) constitutes a specific statutory check that runs counter to the general policy of giving the Postal Service broad decision making authority. Shepard, slip op. at 7-10 (citing Buchanan v. United States Postal Service, 508 F.2d 259, 262 (5th Cir. 1975); Egger v. United States Postal Service, 436 F. Supp. 138, 140 (W.D. Va. 1977); and Rockville Reminder, Inc. v. United States Postal Service, 350 F. Supp. 590, 593 (D. Conn. 1972), *aff'd*, 480 F.2d 4 (2d Cir. 1973)). The Shepard court determined that the Postal Service had, in the valid exercise of its

rulemaking authority and consistent with the general policy regarding freedom of decision making, adopted extensive regulations distinguishing stations, branches, and community post offices from independent post offices, and that in adopting regulations pursuant to 404(b) had preserved these distinctions. Shepard, slip op. at 9-12. Indeed, it quoted, with approval, the Postal Service statement accompanying adoption of those regulations:

A number of the letters we received supporting the retention of particular postal facilities dealt with postal stations or branches, urban or rural. We welcome community involvement in advising the Postal Service about facility deployment and other service decisions as they relate to branches and stations of post offices. But by long tradition, postal laws and regulations have placed decisions with respect to stations and branches on a more flexible and decentralized basis than decisions concerning post offices, with the result that stations and branches tend to be changed more frequently than post offices are changed. This is most apparent in the case of contract stations and branches (including Community Post Offices), which are operated pursuant to contracts between the operator and the Postal Service that are terminable on notice by the operator.

42 Fed. Reg. 59,082 (November 15, 1977), *quoted in* (excepting the last sentence), Shepard, slip op. at 11.¹⁰

After considering the legislative history of 404(b) and the Reorganization Act, valid postal regulations, and the Knapp and Wilson decisions, the Shepard court concluded:

This Court agrees with the decisions to the effect that section 404(b) does not apply to the closing of a postal station. The Shepard¹¹ station was not an independently run post office with its own postmaster and supervisory personnel. It was a postal station already under the direction of the postmaster of the Columbus [P]ost [O]ffice. While the Postal Service is required to consider community input when closing that community's post office or consolidating the post office with that of a larger city, the Service must have the flexibility to control the arrangement of other postal facilities within the jurisdiction of a city's

¹⁰ In a subsequent revision of its regulations to conform post office closing procedures to changes in its management structure, the Postal Service again considered the proper scope of section 404(b). 51 Fed. Reg. 41,302 (November 14, 1986). The Postal Service again found it necessary to retain its administrative flexibility with regard to the location of subordinate facilities, particularly those operated by a contractor.

¹¹ For unknown reasons, the Court's opinion used the spelling "Shephard" throughout.

main post office. As has been previously discussed, a primary responsibility of the Postal Service is to provide improving, efficient, and economical postal service to the public. The Service would be unduly hampered if section 404(b) were construed to apply to every decision to rearrange the location of postal facilities within a city to better serve areas experiencing shifts in population, to accommodate for the building of new, more efficient nearby facilities, or simply to discontinue unnecessary or outdated postal facilities. Since the Court determines that the section 404(b) notice and hearing requirements do not apply to the closing of postal stations, defendants' motion to dismiss this cause of action is **GRANTED**.

Shepard, slip op. at 14-15.

Thus, each of the four federal court decisions that examined the scope of 404(b) concluded that Congress therein used the term "post office" in its precise sense to apply only to discontinuation of an independent post office, under the direction of a postmaster, and not to the transfer of mail processing operations (Knapp, Wilson, Hopkins) or a closing of a station of an independent post office (Shepard). Hence, each of these decisions is entirely consistent with the Postal Service conclusion that 404(b) also does not apply to discontinuation of a branch, contract unit, or other subordinate facility under the administrative supervision of a post office.

The Postal Service does recognize that subordinate facilities should not be closed for arbitrary or unsatisfactory reasons, and so has adopted separate procedures to require the discontinuance of a station, branch, or contract unit to be approved by senior level Headquarters management. 39 CFR § 241.2.

Observatory Station was one of approximately fifty retail facilities located in Pittsburgh.¹² Furthermore, because Observatory Station was not an independent post office, the Commission lacks jurisdiction under 39 U.S.C. § 404(b) to entertain the Petition's request for review.

¹² All of these facilities can be identified via the United States Postal Service webpage, <http://www.usps.com>, using the "Locate a Post Office" link.

CONCLUSION

WHEREFORE, the United States Postal Service respectfully requests that this matter be dismissed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux
Chief Counsel
Ratemaking

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Sheela A. Portonovo
Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
July 26, 2006

ATTACHMENT #1

Post Offices

Post Office Changes

Old/ New	Finance No.	ZIP Code	State	P.O. Name	County/ Parish	Station/Branch/ Unit	Unit Type	Effective Date	Comments
Old	05-8786	94131	CA	San Francisco	San Francisco	Diamond Heights	Classified Station		This announcement changes the type of postal facility from a classified station to a carrier annex.
New	05-8786	94131	CA	San Francisco	San Francisco	Diamond Heights	Carrier Annex	06/20/2006	
Old	18-6471	50661	IA	New Hampton	Chickasaw	North Washington	Community Post Office	10/01/2005	Community Post Office discontinued. Retain ZIP Code . Establish a place name. Continue to use North Washington IA 50661 as last line of address.
New	18-6471	50661	IA	New Hampton	Chickasaw	North Washington	Place Name	05/20/2006	
Old	20-0504	42321	KY	Beech Creek	Muhlenberg	Main Office	Post Office	04/08/2005	Post Office discontinued. Retain ZIP Code. Establish a place name. Continue to use Beech Creek KY 42321 as last line of address.
New	20-2224	42321	KY	Drakesboro	Muhlenberg	Beech Creek	Place Name	05/06/2006	
Old	26-1600	55002	MN	Center City	Chisago	Almelund	Community Post Office	05/28/2002	Community Post Office discontinued. Retain ZIP Code. Establish a place name. Continue to use Almelund MN 55002 as last line of address.
New	26-1600	55002	MN	Center City	Chisago	Almelund	Place Name	06/17/2006	
Old	28-3012	63942	MO	Gatewood	Ripley	Main Office	Post Office	09/27/2001	Post Office discontinued. Retain ZIP Code. Establish a place name. Continue to use Gatewood MO 63942 as last line of address.
New	28-2172	63942	MO	Doniphan	Ripley	Gatewood	Place Name	02/03/2006	
Old	28-5556	63362	MO	Moscow Mills	Lincoln	Main Office	Post Office		Realign ZIP Code boundaries. Use Winfield MO 63389 as last line of address for the 87 deliveries previously in ZIP Code 63362.
New	28-3550	63389	MO	Winfield	Lincoln	Main Office	Post Office	08/05/2006	
Old	33-1425	07009	NJ	Cedar Grove	Essex	Overbrook	Classified Station	03/31/2006	Classified station discontinued. Retain ZIP Code. Continue to use Cedar Grove NJ 07009 as last line of address.
New	33-1425	07009	NJ	Cedar Grove	Essex	Main Office	Post Office	06/17/2006	
Old	33-2835	07026	NJ	Garfield	Bergen	Ritz	Classified Station	05/31/2006	Classified station discontinued. Retain ZIP Code. Continue to use Garfield NJ 07026 as last line of address.
New	33-2835	07026	NJ	Garfield	Bergen	Main Office	Post Office	06/17/2006	
Old	41-0608	15214	PA	Pittsburgh	Allegheny	Observatory	Classified Station	08/10/2006	Classified station discontinued. Retain ZIP Code. Use Pittsburgh PA 15214 as last line of address.
New	41-0608	15214	PA	Pittsburgh	Allegheny	Kilbuck	Classified Station	06/17/2006	
Old	49-5950	84667	UT	Moroni	Sanpete	Wales	Community Post Office	01/03/2005	Community Post Office discontinued. Retain ZIP Code. Establish a place name. Continue to use Wales UT 84667 as last line of address.
New	49-5950	84667	UT	Moroni	Sanpete	Wales	Place Name	06/02/2006	

Before The
Postal Rate Commission
Washington DC, 20268-001

Draft Aug 1

In the Matter of:)
United States Postal Service)
Motion To Dismiss Reporting)
(United States Postal Services, Respondent) Docket Number. A-2006-1

The Petitioner has information that the United States Postal Service Motion To dismiss should be dismissed and Petitioners Petition should be allowed to continue with the Postal Rate Commission and others. The Postal Service must substantiate any proposal to change or eliminate completely Observatory and the rationale behind closing a profitable, viable, well-attended mail center.

The Petitioner is Observatory Hill, Inc. and is a community improvement organization interested in improving the quality of life for all residents through the preservation or restoration of homes and buildings and conservation of community resources.

The Petitioner was not aware of the fact the process of appeal-included filing with the Postal Rate Commission. The Petitioner Observatory Hill Inc, sought out help from the Internet because not hearing back any word from the Postal Service either upper or lower for months. The Petitioner decide on its own to reach search the internet and so found that it could and was allowed to file with the Postal Rate Commission yet this occurred after the postal service posted the notice. to close. This is also how come the Petition For Review was sent to three separate addresses of the Postal Rate Commission and not electronically June 2006. The community did not enjoy support from directions from the postal service unless we just became persistent in our request by phone and letter.

The Observatory Station was profitable revenue generating facility-providing patrons with effective and convenient customer service. The Observatory Station was at least seventy years young and had never operated at a deficit. The post office received good walk-in traffic from seniors, families, four churches, and fourteen-community business in the immediate area. Nance Glass, a pharmacy technician at the Medicine Shoppe, which is down the street states: We mail over 100 packages a month. The closing represents a terrible hardship," or Carolyn Hatcher, a walking senior states; seniors need this post office. Its good to get out and It's good for morale. Sometimes after going to the post office, I keep walking to Riverview Park. The post office had a "home -town hello" feel to it. People were known by name. People had the post office as part of their rout when walking. The post office was a viable community asset, and a contributing reason people came to Observatory to do their postal business and live here. The shorten hours on either end of the workday. Prevented people from using it. ([Http://www.post-gazette.com/pg06168/699023-53.stm](http://www.post-gazette.com/pg06168/699023-53.stm)).

Mr. Pipitone who lives in a home located on River Avenue and owns a business called Pipitone group in the business district one block from Observatory Station says:

In addition, my home is located in this section of Pittsburgh, so I have a very real concern about the results of this closing on my neighborhood. Since this is a "walking community", our residents and business owners rely on our services being close at hand. With-in a two block radius, we have a convenience store, two banks, drug store, pizza shop, restaurant, tavern, bakery, chiropractor, three beauty shops, barber shop, day care center, notary, thrift store, personal car detail @ wash, church, fire station, Perry Traditional Academy high school, and our Post Office".

We find that the Observatory Station did not have deserve to be eliminated and permanently closed. The closing was not justified and should not have been sought and the proposal to close should have been rejected. Its acceptance demonstrates the inconsistent belief by the Postmaster that Observatory was the lowest revenue generating station in Pittsburgh and should be closed because people in Observatory do not use the post office any longer (Richard Sekinger Postmaster June 12, 2006).

Philip Bohr was Observatory's Clerk for fourteen years and the office was open from 8am to 5pm with a noon lunch break. He said the post office brought in an average of \$150,000 a year for fourteen years. The postmaster ask how ere we able to obtain this information before and after the post office closed and he said Philip Bohr and was silent. The Postmaster said: "only post offices that are no longer used by the community are closed". There were additional revenues Observatory made above and beyond the yearly average during full time status that were not accounted for:

Revenue units are unavailable due to the fact the entire city of Pittsburgh station and branches all were under the same finance number (proposal to close the Observatory finance station 1).

"The Postal Service shall provide a maximum degree of effective and regular postal service to rural areas and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of Congress that effective postal services be insured to residents of both urban and rural communities". Section 101(b) of Title 39 of the U.S. Code; Knapp v United States Postal Services, 449 F. Supp.158 (E.D.Mich 1978).

We find that the decision to close Observatory was thoughtless, insensitive, disrespectful and acted upon within a short period of time without adequate community participation in 2002 and in 2006. This is the reason to dismiss the postal services motion to dismiss and the whole process to close should start anew and Observatory post office and faculty should be continued immediately.

Whether the post office is a Independent post office, or a classified as a postal facility situated in a rural community or a suburban community or in up State New York, or situated in the fictional town of May Berry PA. The fact is the post office should and ought not have been closed. The post office should have not been put in a position where residents were not heard and basing the decision on 8 community residents was extremely inadequate to say the least. The community should have been allowed participation in a process that works from beginning to end and not be allowed to dangle and hang out to dry for months on end. The intent was to make sure post office residents can be heard and actively participate in any postal closing. The observatory station has the following wording displayed on the outside of the post office: The United States Post Office Observatory Station. We find further that Senator Randolph would have expressed his displeasure at the indiscriminate way the Observatory Station was closed.

“Now the Postal Service has embarked on a new project. It has far reaching implications for rural America. Congress does not want the indiscriminate closing of our rural and small town post offices. The decision has been made to create branches out of many post offices into one administered through the instructions and directives of large city postmasters with little or no community involvement. This plan will erode the identity so important to people who wish to maintain a heritage of mutual interest”. 122 Cong.Rec6314 (March 22, 1976).

Thus the amendment sponsor did not intend for his use of independent post office to prevent, or stop a profitable, well-used postal facility from providing crucial documentation and testimony because of how post office is being applied. This was not the tone of his compassionate speech on the floor of Congress. He would not have allowed the community to remain silent while residents’ post office or postal facility was dismantled and eliminated completely (emphasis added). 122 Cong. Rec 6314 (March 11, 1976).

There was a time when the Observatory Station did not reside in the city of limits of Pittsburgh and enjoyed that status of being a rural post office in a small town having an independent postmaster and was immediately supervised by a postmaster that received registered and other mail received or dispatched without passing through the main post office. (39 CFR 241.2 (a)(3)).

The postal facility had served the community for seventy years and a whole lot of seniors and families still used it.....65 customers per day or 16.5 customers per hour. This is a strong number. (Most customers would agree that a wait time at any post office is more than 2 minutes. Richard J Sestric letter to Honorable Rick Santorum August 16, 2005). The Observatory Hii has many second-generation businesses. These kids took over the family business like Schorr Bakery, Inc and Collette’s hair salon.

To close or not to close Observatory Station: What was the reason? What was the reason for not adequately including the community? What was the reason for providing a weak and unacceptable Proposal To Close The Observatory Finance Station and Continue To Provide City Delivery Service to begin with? Based upon its merits the proposal to close submitted by the Postal Service should be dismissed and the United States Motion to close should be dismissed. We find Postal Service management should have withdrawn their plan to close July 2002. We have shown that Observatory Hill was revenue generating postal facility. The economic savings were invalid and the revenues are \$56,000 in 2004 even though the hours of operation from 10am to 2pm were seriously inadequate for walk-in traffic.

III. Re: Economic Savings- Postal Service... Your estimate of annual savings of \$37,085.00. The first two items are connected to the "clerks salary" and "fringe benefits". Is it not true that, if this facility is to be closed, that the clerk will be employed at some other facility? If so, there are no savings. Your true savings are only rental costs and utilities. Thus, your figure of annual savings seems to be invalid. Dr. William Ferianc to Richard L. Sekinger Postmaster, Pittsburgh).

The Observatory Station closed because the post office did not make as much money as Postal management wanted and decided early on to close the office over time. Postal management has shown no documentation to prove or provide a sound reason to close the Observatory post office yet they do put forth: "A review of business activities of the Observatory Finance revealed that the office workload has declined, and that hours were changed effective July 15, 2002, to 10:00am to 2PM, Monday through Friday." (The Proposal To Close Observatory page one).

The first action that precipitated the closing of the Observatory Post Office in 2006 occurred: When Postal Service management decided to reduce the hours of operation from 40 hours a week to twenty hours a week. Secondly action that gave reason to close was scheduling hours of operation from 10am to 2pm, virtually splitting the day in half and providing an undue hardship upon those who were consistently providing good steady revenues for Observatory. The third item was postal management did not include the population in any community public forum in the community ever. People felt they had no voice. People felt and would say... things have already been decided upon yet the post office continues to make a profit and revenues surpassed expenses. We find Postal Service management actions were arbitrary, capricious, indiscreet, or otherwise not in accordance with the law, and spirit of the law without observance of procedures required by law, and unsupported by substantial evidence on the record.

The decision to close permanently May 16, 2006 a postal facility that continued to turn a profit, draw a good number of walk-in customers from Observatory and was located in an area that had a critical mass of retail, teachers, seniors, single families and State Representatives office on the left with magistrates office on the right made no sense. Especially considering the fact that Perry Traditional Academy is directly across the street from the Observatory Post Office. The postmaster was ask from June 2005 to May 2006 to come to several community meetings. No reply until June 12, 2006 when he decides to meet with the community's representative from Observatory Hill. Where he states the reason for not attending any community meeting in the community of Observatory Hill. "Because we do not have access. The postal service told the community what the process was October 2005 in a letter to Observatory Hill. The postal Service is mandated to follow 39 USC404(b), while the implementing regulations appear in Title 39, Code, Federal Regulations, Part 241.3. Also, while the community and its representative waited for a final written determination from upper level Postal management in Washington DC.

The postal service took no action from October 2005 up to mid-point of May 2006. They did not relay any information to the community even though the community was asking to meet. Then Observatory Hills President was forced to ask Congressman Doyle's office to find out what the update was...again we were waiting since October for a written response and the communities turn to participate in an open forum and no reply: May 16, 2006 the notice: At the Close of Business Friday-June 16, 2006 4pm This POST OFFICE WILL PERMENTALE CLOSE.

We find that the whole process should be sent back to the postal service and they need to start all over again and their decision to not respond to this petition and also provide law would have only added more reason to allow the Observatory to continue on with the Postal Rate Commission.

What does it matter if a postal service provides more postal services but four miles away services cannot be used by seniors and families who depend upon public transportation? What about those who pride themselves in getting out and about by foot? These are some of the individuals who help to make Observatory post office profitable. Now, these are the very people who literally walk-in the postal profits for the most part. Theses are the people who are being forced out and are forced to feel the bit of their effective postal mail center being completely dismantled and they have to go four miles away to another post office.

Seniors and families in our area tend not to go out at night. You will find for the most part seniors and families inside the house directly after work or before dark. So the 24-hour postal access and the myriad of postal services become a hardship for seniors and families. Like one senior said: Where are you going to get \$1,800 to buy a computer? I have enough trouble with a 39-cent stamp (McCarthy who held up a sign that read, "Post Office Keep Open!")

We are thankful in our situation the Commission's consistent practice to send a form letter in response to an attempt to appeal the closing of a station or branch, advising the petitioner of the Commission's lack of jurisdiction in this matter did not occur because this situation is extremely unique and exceptional to say the least. We are further thankful the Commission did not follow procedure in this matter of Observatory Closing because we get to be heard and our rights are not trampled upon. If it were not for the appeal process. We would not have realized we had any rights. The postal service never ever step forward to even mention at any point that there was an appeal process. Folk simply did not know. Therefore, the Motion by the United States Postal Service should be dismissed and the decision to close Observatory Finance Station should be should be returned, sent back to the postal service. This is the opportunity to get it right and re-open and continue a well used, effective postal facility that can and will get better if people's input is used like: The community's Petition For Review that states clearly what 3000 residents want in order for the post office to be even more effective (fit their postal needs) and be profitable.

The appeals process brings to light the actions of the Postal Service management and ensures they follow not only the letter of the law but the spirit of the law, as well. We had hope that once this issue came to light with the lower levels of postal management and then upper levels of postal management that minds would change and they would withdraw their decision to close Observatory and continue retail postal service. Therefore, again the motion by the United States Postal Service should be dismissed.

We want the following therefore to occur:

...The postal service shares the concern, expressed in the comments on the posed regulations, that subordinate facilities should not be closed for arbitrary or unsatisfactory reasons. Consistent with this view, the proposed regulations have been revised by the addition of 113.41 and 113.42 to require that a field Division General Manager/Postmaster who determines that it is necessary to discontinue the operations of a classified station or branch operated by the Postal service employee, or contractor operated community post office must provide notice of the reasons for that proposed action...the postal service believes that establishing this separate procedure for the review of stations, branches, and community post office closings by senior level Headquarters management will provide adequate safeguards against the unjustified closing of subordinate facilities, while preserving essential management flexibility.

